Official Plan Part II

B.C.E. PLACE

Robert E. Millward, Commissioner
Planning & Development Department 1987

CITY OF TORONTO
PLANNING AND DEVELOPMENT DEPARTMENT

545/11986
CC&W/Downtown
July 9, 1987
Mal Williams
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392-7862

To: Land Use Committee

Subject: Part II Offi Plan approach for block bounded by Front Street West, Bay Street, Wellington Street West and Yonge Street: Application No. 1986 - BCE Place (Ward 6)

Origin: Land Use Committee at its meeting of April 8, 1987. (c711uc87411:286)

Comments:

1. BACKGROUND AND PURPOSE OF THIS REPORT

On April 8, 1987, your Committee had before it my Preliminary Report on Application No. 1986 for amendments to the Official Plan and Zoning Bylaw for the block bounded by Front Street West, Bay Street, Wellington Street West and Yonge Street. As described in that report, the applicant, BCE Development Corporation (BCED), has requested that the commercial density permitted on the site be increased from 8 to 12 times the area of the lot. In support of the requested density increase, BCED has included significant design features and public benefits in the development proposed for the site. The most important of these is the preservation of thirteen heritage buildings as part of a special historic precinct. The applicant has also proposed to provide the City with a significant assisted housing site and to make a substantial financial contribution to the provision of assisted housing elsewhere.

As noted in the Preliminary Report, the size and significance of the site, the substantial density increase requested and the opportunity to achieve certain public objectives through comprehensive redevelopment of the block make it particularly desirable to establish an appropriate framework for evaluating the application and the opportunities for realizing public objectives which it presents. Consequently, the Preliminary report recommended, among other things, that I be requested to prepare a Part II Plan for the block.

Following your Committee's adoption of the Preliminary Report, BCED's application was circulated in accordance with City procedures, and a public meeting was held by the Planning

Advisory Committee on June 9, 1987. In addition, my staff and I, together with staff of the Housing Department, the Parks Department, the Public Works Department and the Toronto Historical Board, have carried out extensive consultation with the applicant.

The primary purposes of this report are to provide your Committee with:

i) a description of the planning policies and objectives which are particularly relevant to the development of the block, and the principles on which the proposed Part II Plan should be based;

ii) a description of the density bonus system proposed to be included in the Part II Plan pursuant to Section 36 of the Planning Act; and

iii) a brief description of the process for reviewing, approving and implementing the Part II Plan.

The report recommends that the Part II Plan approach proposed in the report be endorsed, and that I be requested to prepare, in consultation with the City Solicitor, a Final Report, including a draft Part II Plan and the necessary implementing amendments to the Zoning By-law.

The report also recommends that I report on appropriate implementing agreements, including agreements pursuant to Section 36 of the Planning Act, and that drafts of these agreements be approved prior to or in conjunction with the draft Part II and Zoning By-law.

Finally, the report includes recommendations for processing a separate Part I Official Plan amendment to close a public lane within the block. The lane closing is required for the comprehensive redevelopment of the block.

2. HISTORY AND CONTEXT

The block bounded by Yonge, Wellington, Bay and Front Streets has particular historical significance in Toronto's physical and commercial development. Initially the site of residences for local notables, the area was transformed gradually during the mid-nineteenth century into a centre for wholesaling and banking. A devastating fire that swept the Financial District in 1904 flattened over half the block, necessitating extensive redevelopment. Those buildings which evaded destruction are clustered on the eastern portion of the block. The Yonge

Street facade in particular retains much of its original unity and scale.

Of particular significance are the Bank of Montreal and the Commercial Bank of the Midland District, both for their architecture and historic importance. The Bank of Montreal building, in its prominent position at the corner of Yonge and Front Streets, was completed in 1886, replacing an earlier bank building. The architects, Darling and Curry, produced a landmark building, well-related to its corner location with an impressive octagonal banking hall crowned with a coffered ceiling and a stained glass skylight. It is considered to be one of the finest nineteenth century bank buildings in Canada.

The dignified Commercial Bank of the Midland District (more recently known as the Clarkson Gordon building) was constructed in 1845 as designed by the English architect William Thomas. His "Grecian style" design was selected over others for this important site at the foot of Jordon Street, then the city's most important commercial street.

The other buildings on Yonge and Wellington are excellent examples of nineteenth century commercial structures. Only three of these have facades designed in the twentieth century. They include several more buildings by William Thomas.

The Gowans Kent building on Front Street, the largest remaining building, was built in 1923 for Cassidy's Limited, a large Montreal wholesaler, to house a recently acquired Toronto subsiduary. This building is topped by a recent addition.

The block is surrounded by both smaller heritage structures and high density contemporary commercial developments. To the south, the Dominion Public Building (1926) with its curving classical facade sets a scale to Front Street. The Bank of British North America at the north-east corner of Yonge and Wellington Streets (1872), and the many historic buildings around Berczy Park provide a context of structures of a similar age, scale and uses. To the west are more recent buildings at a much larger scale - the Royal Bank Plaza, the TD Centre and Commerce Court. An important role for the development of the block is the provision of an appropriate transition between these widely different building forms.

3. BCED APPLICATION

The BCED proposal for the development of the block as generally described in my Preliminary Report is in the process of being refined in response to comments from various City

departments and the emerging approach to a Part II Plan. The proposed development addresses most of the development criteria set out in my Report of September 30, 1983.

The general development approach being followed maintains the historic buildings on the east end of the block in an historic precinct, with the bulk of new development in two towers of about 42 and 52 storeys in height on the western half of the block. This arrangement enables the historic precinct to retain a scale and character consistant with the existing buildings. Infill development is to be compatible with the adjacent buildings, and should maintain the street line and contribute to the retail activity of the precinct. BCED has proposed to connect the precinct to the rest of the development through an east-west pedestrian Galleria extending from Bay Street and terminating in a Wintergarden within the precinct, with connections to Yonge Street and Front Street.

The integration of the historic buildings into the development requires that portions of the buildings be rebuilt to achieve consistant floor levels, and that two buildings, at 11 and 15 Wellington Street West, be moved. The moving of the Commercial Bank building at 15 Wellington Street West was a matter of concern to several people at the public meeting held by the Planning Advisory Committee. The Toronto Historical Board has been involved in discussions with the applicants regarding these issues. Their comments will be included in the Final Report.

The pedestrian facilities proposed for the site include not only the unifying feature of the Galleria described in the Preliminary Report, but also a major north-south route through the block linking Commerce Court with Front Street. The most significant part of this pedestrian system is to be a major open space or "Sun Court" facing onto Front Street. Below grade, a pedestrian concourse is proposed to extend from Commerce Court to Union Station. Public accessibilty to these areas will be secured through appropriate agreements at the time of rezoning.

4. PROPOSED PART II PLAN

4.1 Rationale for a Part II Plan for the Block

Toronto's Official Plan is made up of two components - the Part I Plan, which sets out policies to guide the development of the City as a whole; and Part II Plans, which, as a result of the study of specific areas and issues, establish development controls and policies for particular sub-areas or districts within the City. As set out in Section 8.3(c) of

the Part I Plan, it is the policy of Council that Part II Plans may vary any of the density or other provisions of the Part I Plan in response to local circumstances and based on appropriate local study.

A large number of Part II Plans have been developed for sub-areas within the City. The majority of these establish controls and policies to govern essentially infill development within the existing fabric of the Part II planning area. Part II Plans are also used to establish appropriate site-planning controls and land use policies for major redevelopment efforts, such as the St. Lawrence Neighbourhood, Harbourfront, the Railway Lands and, most recently, the World Trade Centre.

At approximately 5.4 acres, the Front-Bay-Wellington-Yonge block is not as large as most of the recent Part II redevelopments. However, it is the largest comprehensive development proposed for the Financial District since the adoption of the Central Area Plan.

The block also has a significance beyond its size. Its history, location and the opportunities it presents mean that the impact of its comprehensive development, if appropriately planned and regulated, could be enhanced to the benefit of the City as a whole.

In terms of its location, the block provides an opportunity to establish an appropriate transition between existing tall Bay Street office towers and the lower historic and cultural buildings on Front Street and in the St. Lawrence Historical District to the east.

Historically the block provides the unique and challenging opportunity to incorporate some of the oldest remaining buildings in the Financial District. These heritage structures not only are individually significant, but also represent the only examples in the Financial District of buildings from the mid-nineteenth century which form a continuous street frontage. A Part II Plan will provide an appropriate framework to ensure that these historical resources are appropriately integrated into new development on the block.

Finally, the location of the block and its attractiveness and significance to the development industry mean that it provides an appropriate opportunity to establish development incentives in accordance with Section 36 of the Planning Act as a means of achieving important public objectives.

4.2 Proposed Part II Plan Principles

Because the approach being taken in response to the BCED application is innovative it is particularly important to clarify and agree on basic principles before the Part II Plan is actually drafted and brought forward. I am proposing that the Part II Plan be based on the following underlying principles.

4.2.1 The Part II Plan should be based on existing Part I policies and provisions, adapted as appropriate to the opportunities presented by the comprehensive development of the block.

As noted in Section 4.1 above, Part II Plans may vary density or other provisions of the Part I Plan in response to local conditions or specific issues relevant to the Part II area. However, Part II Plans are essentially area-specific elaborations of Part I policies, and therefore should be consistent with the fundamental principles of the Part I.

In the case of the proposed Part II for the Front-Bay-Wellington-Yonge block, the most relevant Part I policies are the following:

- the identification of the Financial District as the most accessible area within the Central Core; and consequently the first priority area for office development (1A.6);

- the promotion of retail uses, particularly at grade level, within the Central Core (A1.14 - 1A.17);

- the encouragement of housing in the Financial District while recognizing that Financial District developments are not appropriate locations for the implementation of specific housing targets (1A.26);

- the statement of Council's intention to ensure that its assisted housing targets are met (2A.9);

- the promotion of community services and facilities within the Central Area (1A.30, 1A.35);

- the statement of Council's objective that there be space and facilities within the City for education, research and the arts, and that institutions for these purposes design and locate their facilities to enhance the appearance of the City (6.3, 6.4);

- policies respecting "Physical Form and Amenity", including the designation of Areas of Special Identity; the preservation of heritage buildings; the maintenance of significant views; the provision of public walkways, open spaces and pedestrian amenities; and the improvement of street level micro-climatic conditions, including wind, sun and noise (1A.40 - 1A.49).

These Part I principles will provide a solid base for Part II policies and design criteria relevant to the block.

4.2.2 The Part II should maximize the particular opportunities presented by the development of this block by establishing a bonusing system consistent with Part I objectives and the study of issues and conditions relevant to the block. In particular, a primary objective of the Part II Plan is to ensure the preservation of existing heritage buildings.

The particular matters to be dealt with through the proposed Part II bonusing system, including proposed incentives for promoting particular benefits, are discussed in Section 5 below. In drafting the Part II Plan, I intend to include specific provisions to ensure the primacy of its heritage policies.

4.2.3 The Part II should be drafted so as to continue to be relevant even if the development presently proposed for the block is substantially revised or a new proposal is put forward.

The recommendation that a Part II Plan be prepared for the Front-Bay-Wellington-Yonge block was made in response to the current application by BCED. Consequently, as noted in my April 2nd Preliminary Report, the Part II will have regard for the components of that application and the issues and opportunities it raises. It is my opinion, however, that the Part II should not be tailored exactly to the specific development proposed in the application, but should continue to be appropriate should this proposal be substantially revised or withdrawn.

The primary purpose of a Part II Plan should be to provide a framework for evaluating development applications, based on study of the constraints and opportunities presented by the site and an assessment of the impact of the development permitted by the Part II on the surrounding City. In other words, the Part II should

not be a site-specific amendment to accommodate a specific development proposal, but should provide a framework sufficiently flexible and comprehensive to evaluate a range of development proposals for the block. The specific proposal by BCED can be implemented through a zoning by-law which conforms to the Part II Plan. Other implementation matters will be dealt with in Section 36 agreements and through the development review process pursuant to Section 40 of The Planning Act.

4.2.4 The maximum development potential permitted by the Part II Plan should be appropriate in terms of anticipated built form and satisfactory in terms of its impact on transportation and other service systems. In any event the maximum non-residential density should not exceed 12 times the area of the block, and the total development potential, (non-residential and residential) should not exceed that permitted by the Part I Plan.

The 1986 Quinquennial Review of the Central Area Plan addressed the issues of deconcentration of office employment and the current and anticipated relationship bewteen office development and the capacity of the transportation system. The Review concluded that deconcentration is proceeding successfully and that the relationship between development potential and transportation capacity is more complex and less exact than originally formulated in the Central Area Plan. In this context, careful monitoring of the deconcentration process and the relationship between transportation capacity and development potential is essential. In view of these conclusions, it should be possible to consider policies on this block which have the effect of increasing commercial density, provided that the extra development potential can be accommodated by the existing transportation system. A transportation impact study is being prepared by the IBI Group for BCE Place. This study will be reviewed by the appropriate officials and its findings reported in the Final Report.

At present the block is designated Financial District, which permits a maximum non-residential density of 8 times the area of the lot, with a maximum residential density of 400 units per hectare. Given the size of the block, these densities would permit up to 174 521m2 (1,878,600 sq. ft.) of non-residential floor space, plus 872 units. As discussed in more detail below, Section 1A.42 would permit the 25 370m2 (273,000 sq. ft.) of floor space in existing historic buildings to be exempt from the calculation of the site's non-residential

density. In addition, the Part I Plan would permit the maximum non-residential gross floor area to be increased to accommodate community services and facilities up to a maximum of 0.8 times. The present proposal includes approximately 5 120m2 (55,113 sq. ft.) of uses which might qualify for this density increase. Consequently, based on the present application, up to 9.39 times or 205 011m2 (2,206,892 sq. ft.) of non-residential floor area could be developed under the Part I Plan, without decreasing the 872 dwelling units permitted in conjunction with the maximum non-residential potential.

In order to establish a clear limit to the maximum non-residential floor area to be permitted, it is proposed that the total non-residential floor area, including existing density provisions for historic buildings and community services and facilities, not exceed 12 times. This is the maximum non-residential density permitted under the existing density transfer policy in the Financial District, and is an appropriate and reasonable maximum for density bonuses, subject to a satisfactory analysis of the impact of this extra density on transportation and other service systems.

Retaining all of the housing density presently permitted under the Plan together with increased commercial density achieved through maximum use of the proposed bonus would result in exceptionally high densities which could not effectively be accommodated on the site. I am therefore proposing that the Part II Plan include provisions which would limit the residential potential of the block to an appropriate level.

5. PROPOSED BONUSING SYSTEM

5.1 General

Section 36 of the Planning Act, the text of which is included in Appendix A to this report, allows municipalities to permit increases in the density and height of development in return for meeting specific municipal objectives. As described in "Guideline 8" published by the Ministry of Municipal Affairs and Housing in 1983 to explain the provisions of the new (1983) Planning Act, the Section 36 provisions "are intended to provide incentives to encourage private sector involvement in the achievement of stated public objectives, such as the provision of special or assisted housing, the preservation of buildings with historic or architectural value or the provision of additional open space or other services."

Before zoning by-laws to implement Section 36 can be enacted, policies must be included in the Official Plan setting out the objectives the municipality wishes to achieve through density bonuses. Section 36 has been used previously in the City in site-specific amendments to the Part I Plan such as the CBC site and Massey-Ferguson, as well as in the World Trade Centre Part II Plan.

In addition, my staff has carried out considerable background study of the use of density bonuses to achieve public cultural and institutional objectives such as the Design Centre proposed to be included in the Toronto Stock Exchange development, and to promote private sector investment in assisted housing.

In determining the size of the specific density bonuses proposed below, my staff and I started from the assumption that there must be a reasonable relationship between the cost to the developer of providing a public benefit and the value of the extra development potential to be achieved as a result of its provision. On one hand, the bonus must be large enough to establish a meaningful incentive. On the other hand, the incentive should not be so great that the resulting development is excessive in scale or in its impact on municipal services.

My staff and staff of the Housing Department have carried out extensive consultations with the applicant respecting the value of extra commercial development rights in the Financial District and the costs of providing appropriate public benefits. As a result of this consultation, as well as my staff's independent investigations, I am satisfied that the proposed relationship between the particular public benefits described below and the proposed density bonuses is appropriate in this situation.

Although density bonusing is a planning tool which must be used prudently in order to ensure that reasonable and appropriate density limits are maintained, I am satisfied that the maximum densities proposed for this Financial District block are sound, provided that the review of the impact on transportation and other services are satisfactory.

The specific bonuses proposed for the Part II are set out below. In determining which objectives were appropriate for bonusing, three fundamental principles were identified:

1. Bonuses should not be provided as incentives for good architectural or urban design. Good design should be expected of any development without the provision of

special incentives. In addition, the awarding of density bonuses for good design could prove difficult to control.

2. Bonuses should not be provided for features or benefits which can reasonably be required through Section 40 of the Planning Act or other planning and zoning instruments.

3. There should be a reasonable relationship between the public benefit and the development permitted on the site.

5.2 Historic Preservation

Consistent with existing Official Plan policies, it is a prime public objective to preserve the historic buildings on the site. The existing provisions of the Plan under Section 1A.42(b) provide an incentive to achieve this. However, the small floor area of the buildings and the fact that they cover a large proportion of the block make the incentive less attractive than in many other situations.

A further objective is to capitalise on the unique opportunity afforded by this grouping of historic buildings to create a coherent historic precinct on the east end of the block. This precinct could foster a vital retail area within the historic buildings relating to pedestrian areas within the block as well as to adjacnt public streets. The retail uses within the historic buildings could be enhanced by providing greater frontages within the block and good pedestrian connections. The BCED proposal makes use of an enclosed Wintergarden at the heart of the precinct to achieve these goals and to provide a focus to this area. The scale and character of the existing buildings must be maintained within the precinct with appropriate infill buildings which enhance the historic architecture.

To achieve this objective, an additional incentive should be considered in addition to that provided by Section 1A.42(b) of the Part I Plan. The proposed Part II plan would provide an increased historic bonus of up to 1.6 times the area of the block. This is approximately 9 600 m2 (103,300 s.f.) greater than presently available under the Plan. The bonus would be available through rezoning for the successful achievement of an historic precinct on the block meeting the goals outlined above.

5.3 Public Use of Bank of Montreal

It is an objective of the Official Plan to encourage the provision of community services and facilities in the Central

Area to meet the needs of the precinct and future resident, working and visitor populations. BCED is proposing to provide the historic Bank of Montreal building and necessary adjacent space in the new development at no cost for a public non-profit use. It is proposed that this space would be used for cultural or community uses. The applicants have been studying the possibility of locating an international Hockey Hall of Fame in it.

At your meeting on August 13, 1986, while considering my Preliminary Report on the Old Toronto Stock Exchange, your Committee requested that I report on the use of density bonusing for public cultural institutions. In considering this issue, it is my opinion that the provision of density bonuses to promote the use of historic buildings with significant interiors for public institutional or cultural purposes could help to achieve the following objectives:

- public accessibility to important historic interior spaces;

- highly visible and significant locations for public institutions or cultural facilities; and

- the provision of space for public purposes at a nominal rent.

The Bank of Montreal building is well suited to meet these objectives. Putting this landmark building into an appropriate public use would provide better access to its unique interior and would take advantage of its prominent location. However, the provision of this space for a nominal rent would mean a substantial loss of revenue for the owner.

The bank has a total floor area of about 1750 m2 (18,840 s.f.) which might be inadequate for some potentially bonusable use such as the Hockey Hall of Fame. According to the applicants, the Hockey Hall of Fame would require an additional 3250 m2 (35,000 s.f.) of space. Additional space could be provided at the concourse level adjacent to the building. BCED is seeking additional commercial density for providing new space attached to the bank building for public a non-profit use at a nominal rent.

With your Committee's endorsement, the proposed Part II plan could provide a bonus of 10 500 m2 (113,000 s.f.) of non-residential gfa for the securing of the entire historic building at a nominal rent for a public non-profit use acceptable to City Council. An additional bonus could also be considered for the extension of the public non-profit use into

adjacent new space. Such a bonus should be based on a ratio of 3:1 for new space provided at a nominal rent. For a use the size of the Hockey Hall of Fame this could result in an additional bonus of 9750 m2 (105,000 s.f.) These bonuses would compensate the developer for the opportunity cost of lost revenue from a valuable existing space and for the cost of providing new space within the development.

I am not seeking endorsement of a specific use for the Bank of Montreal building at this time, but rather a bonusing approach which could be applied to a use which City Council ultimately considers appropriate.

5.4 Workplace Daycare

A further fulfillment of the Official Plan objective referring to the provision of community services and facilities, is through the provision of workplace daycare. City Council has consistently supported the provision of workplace daycare facilities in recent major developments involving rezoning. BCED has proposed to include a non-profit workplace daycare centre for at least 53 children in the development free of rent and with some start-up funding. It would be located on the second floor level of a new building on Front Street just west of the Bank of Montreal.

The proposed Part II Plan would provide a bonus of 3:1 for space provided on the block for rent-free non-profit daycare facilities. This bonus includes the area of the facility itself and expands the community services and facilities provisions of the current Plan. It is considered to compensate for all costs of providing the daycare facility. An additional bonus could also be provided for the funding of daycare and tenancy operating costs. On the basis of current expectations, a total bonus of approximately 1 765 m2 (19,000 s.f.) could be given for the provision of the daycare facility.

5.5 Assisted Housing

It is an objective of the Official Plan to encourage the provision of assisted housing throughout the Central Area except for the Financial District, and to employ density incentives to achieve it within private developments. It is also an objective of the Official Plan to encourage the provision of special housing within the Central Area and to employ density incentives for the production of such housing. However, existing density incentives, including 25% assisted housing density bonus, have not been successful in promoting

private sector involvement in the realization of these objectives.

Consequently, as discussed in my Preliminary Report, in consultation with the Commissioner of Housing and the City Solicitor, I am assessing policy options to promote greater private sector involvement in the provision of assisted housing. In this context I consider a Financial District bonus policy which awards extra commercial density in exchange for a clearly defined assisted housing contribution to be a reasonable planning tool which could be appropriately applied to the block.

My September 30, 1983, report on Development Criteria indicated that the block was suitable for the development of housing. There is no indication, however, that it is particularly suited to the provision of assisted housing. The Official Plan identifies the primary role of the Financial District as providing office space and does not rely on this area to contribute towards fulfilling housing goals. Nevertheless, the strong desire to develop higher commercial densities in the Financial District does provide the necessary incentive to achieve housing goals off the site.

In accordance with the advice of the City Solicitor, the provision of land off-site for assisted housing purposes and the payment of cash-in-lieu for clearly specified purposes can reasonably be considered "facilities" and/or "matters" within the meaning of Section 36, particularly where the owner, as in this case, elects to provide same under Section 36(3) of The Planning Act.

The proposed Part II Plan would provide a bonus of 56 m2 (600 s.f.) of commercial space for each assisted housing unit for which a site is provided within the Central Area in a location identified by the City as appropriate. A further bonus would be provided for contributions to special housing funding. The increase in commercial density would be accompanied by a commensurate reduction in residential density on the block. The maximum bonus for the provision of assisted housing should not exceed 2 times the area of the block since there are other important public objectives to be promoted through the use of density incentives.

I am of the opinion that there is a reasonable relationship between increased commercial density in the Financial District and the provision of assisted housing. As discussed in Background Paper No. 7 of the 1986 Quinquennial Review, steady increases in the number of professional and managerial employees in the Central Area, particularly in the Financial

District, can be linked to the gentrification of many City neighbourhoods. The provision of assisted housing in step with commercial developments will help to take some pressure off the City's existing stock of affordable housing so that a range of housing opportunities will be maintained.

BCED has proposed to earn the recommended assisted housing density bonus through the provision of a residential site on Jarvis Street suitable for about 290 housing units. BCED has also proposed a contribution of $2.8 million for the provision of housing to meet special needs. The suitability of the Jarvis Street site or any other alternative site which may be proposed, will be addressed in my Final Report. Precise conditions respecting the assisted housing contribution required to earn the proposed bonus will be tied down in an agreement pursuant to Section 36.

In regard to the Jarvis Street site, the City Solicitor received the attached notice, dated July 7, 1987, of a possible claim and/or interest in these lands from the legal counsel for Shipp Corporation and a denial thereof drafted July 9, 1987 by the legal counsel for BCED, both of which are in Appendix B to this report. If the Jarvis Street site is to be accepted by the City for density bonusing purposes, then obviously that possible claim and/or interest by Shipp Corporation will have to be withdrawn. At this point, however, I am discussing the principle of land and cash for assisted housing for density bonusing purposes, and the settling of the actual site is not at issue or critical at this time. My next report, if this one is accepted, will deal with these matters and, if suitable, will also deal with whether the possible claim and/or interest of Shipp has been withdrawn or resolved to the satisfaction of the Commissioner of Housing, the City Solicitor and myself.

The proposed contribution by BCED would result in a bonus of about 24 000 m2 (258,300 s.f.) of commercial floor area or 1.1 times the area of the block. In accordance with Section 4.2.4 above, it would entail a reduction in residential density on the site by about 240 units. The Commissioner of Housing has expressed the view that he would prefer that certain other benefits not be bonused to the extent proposed in order to give a higher priority to the provision of assisted housing.

5.6 Union Station Connection

It is an objective of the Official Plan to encourage the provision of pedestrian walkways providing access to public transit and that Council exercise its available powers to secure new facilities that offer amenities for the comfort,

convenience and enjoyment of pedestrians. In particular instances the City has contributed to below-grade pedestrian connections between developments where they were particularly critical to providing a unified pedestrian system.

The underground pedestrian connections between the GO trains at Union Station and the Financial District are presently severely constrained. A major bottleneck occurs at the subway station and the single route to the north is overcrowded at rush hours. An alternate below grade crossing of Front Street from Union Station to the downtown is needed to alleviate this problem. This crossing should also connect Union Station to a new north/south underground pedestrian route through the block under discussion, Commerce Court, Scotia Plaza and eventually Simpsons.

BCED has proposed to construct a pedestrian concourse below grade with connections to Commerce Court, and to Union Station. The connection to Union Station would provide the necessary alternate route and should unblock the congestion at the subway. Discussions have taken place between the City, the TTC and BCED respecting the design of the route of this tunnel.

The proposed Part II Plan would provide a bonus of 3 000 m2 (32,300 s.f.) of commercial space for the provision of an underground pedestrian tunnel between Union Station and a continuous pedestrian system connecting to Commerce Court. This bonus would recognise about half of the total costs of the tunnel. The cost of providing connections to adjacent private developments would commonly be shared by the two owners. Because Union Station is on land owned by the City, it can be considered reasonable to compensate the developer for this share through a density bonus.

6. LANE CLOSING

The public lane extending south from Wellington Street into the block is proposed to be closed and conveyed to BCED for inclusion in the site. BCED has made application to the Commissioner of Public Works to proceed with this. Section 1A.46(a) of the Official Plan stipulates that a public road or lane shall generally not be sold or leased unless the City receives in return ownership of the effective public right of use of at least an equal area at grade for pedestrians or vehicles fulfilling an equally important function as the closed right-of-way. In the BCE Place development the City will obtain, by agreement, publicly accessible walkways through the site. These may not be secured by public

ownership, however, and therefore might not technically fulfill the requirements of Section 1A.46(a).

Because the process of lane closing is lengthy, an Official Plan amendment exempting this block from the requirements of Section 1A.46(a) could be processed separately in advance of the Part II Plan. I am recommending that the City Solicitor be requested to prepare a draft bylaw to implement this amendment and that a public meeting be set by your Committee in September to consider it.

7. IMPLEMENTING AGREEMENTS

Section 36 allows a municipality to require landowners to enter into agreements respecting the facilities, services or matters such owners elect to provide as a condition of obtaining a density bonus or bonuses. The Ontario Heritage Act also provides for Heritage Easement Agreements to secure heritage buildings or building elements. I will be reporting, in consultation with the City Solicitor, on the necessary agreements to secure the public benefits provided in accordance with the Part II Plan. Drafts of these agreements should be approved by Council prior to or in conjunction with the adoption of the Part II Plan and implementing zoning by-laws.

8. PROCESS

If your Committee agrees with the approach proposed in this report and adopts its recommendations I will proceed, in consultation with the City Solicitor, fellow Commissioners and the Toronto Historical Board, to prepare a Part II Plan and draft zoning by-law for inclusion in a Final Report to be before your Committee in the fall. The draft Part II Plan and Zoning By-law will have to be the subject of a public meeting of the Land Use Committee as required by the Planning Act. To fulfill this requirement, the draft Plan and Zoning By-law must be available to the public at least 30 days before the statutory meeting. The agreements referred to above do not require the same 30 days notice, but should be considered and approved by Council prior to or concurrent with the draft Part II and Zoning By-law.

The necessary Official Plan amendment for the conveyance of the lane should be before your Committee at its August meeting and considered in a public meeting early in September.

If the bylaws implementing the Part II Plan and rezoning are considered by the Planning Advisory Committee and subsequently at the statutory public meeting to be held by your Committee

in the fall, your Committee could then place all the necessary reports before Council by the end of the year.

Recommendations:

1. That the Land Use Committee endorse the Part II plan approach and principles outlined in this report.

2. That the Commissioner of Planning and Development, in consultation with the City Solicitor and appropriate officials, be requested to prepare a final report containing a draft Part II Plan as outlined in this report, the necessary draft Zoning By-laws to implement the Part II Plan, and the principles of the necessary agreements.

3. That the City Solicitor, Commissioner of Planning and Development, and other appropriate officials, report on the agreements required in conjunction with the Part II Plan and Zoning By-law referred to in Recommendation No. 2 above, and that drafts of these agreements be approved by Council prior to, or in conjunction with, its approval of the Part II Plan and Zoning By-laws.

4. That the Commissioner of Planning and Development, in consultation with the City Solicitor, be requested to prepare a final report on an Official Plan amendment exempting the block which is the subject of this report from the requirements of Section 1A.46(a).

5. That the City Solicitor be requested to prepare a draft by-law to implement the amendment referred to in Recommendation 4 above.

6. That the Land Use Committee set a date for a public meeting respecting Recommendation 5 above, and that notice be given to owners of property within 300 metres of the site by mail and that the meeting be advertized in at least one major Toronto newspaper.

7. That this report be forwarded to the Planning Advisory Committee.

Robert E. Millward
Commissioner

MW/EP/if/jd

APPENDIX A

Text of Section 36 of The Planning Act
Respecting Density Bonusing

36.__ (1) The Council of a local municipality may, in a by-law passed under Section 34, authorize increases in the height and density of development otherwise permitted by the by-law that will be permitted in return for the provision of such facilities, services or matters as are set out in the by-law.

(2) A by-law may not be passed containing the provisions mentioned in subsection (1) unless the municipality has an Official Plan that contains provisions relating to the authorization of increases in height and density of development.

(3) Where an owner of land elects to provide facilities, services or matters in return for an increase in the height or density of development, the municipality may require the owner to enter into one or more agreements with the municipality dealing with the facilities, services or matters.

(4) Any agreement entered into under subsection (3) may be registered against the land to which it applies and the municipality is entitled to enforce the provisions of the Registry Act and the Land Titles Act, any and all subsequent owners of the land. 1983, c.1, s.36.

APPENDIX B

1. Letter from Mr. Allan Leibel, Goodman & Goodman, Barristers and Solicitors, 20 Queen St. West, Suite 3000, Box 30 Toronto, Ontario M5H 1V5 (July 9, 1987)

   "I understand that you are in receipt of a letter dated July 7, 1987 from solicitors for Shipp Corporation relating to the Jarvis/George Property.

   As solicitors for BCE Development Corporation, we can confirm that our clients now own the property, that they propose to convey the property to the City as part of their development application, and that there are no agreements or arrangements of any kind with Shipp Corporation relating to the property."

2. A Letter from S. G. Fisher, McMillan, Binch, P.O. Box 38, South Tower, Royal Bank Plaza, Toronto, Ontario M5J 2J7 (July 7, 1987)

   "We have been consulted and retained by Shipp Corporation Limited and Ecurie Corporation in connection with their rights arising from negotiations and agreements which have occurred between our clients and BCEDC concerning the above described lands and premises. We are advised that BCEDC purported to complete the purchase of the property without regard to our clients' interest.

   We are advised that over the course of the past nine months, our clients' architects and planners have advanced proposals and plans for the development of the above-noted lands and have held discussions with numerous City staff. Our clients have recently been informed that notwithstanding these discussions they have been excluded from various negotiations and arrangements now being made between the City and BCEDC. Our clients are unable to explain this turn of events.

   Our clients are preparing a full statement of the facts and we expect to be in a position to discuss that statement with you within thirty (30) days from this date.

   We ask that no dealings be undertaken with respect to any of the lands and premises at this location without the full concurrence of our clients."

CITY OF TORONTO
PLANNING AND DEVELOPMENT DEPARTMENT

545/11986
CC&W/Downtown
November 12, 1987
Mal Williams
392-7862

To: Land Use Committee

Subject: Final Report on Part II Official Plan Amendment and Rezoning for the Yonge, Front, Bay and Wellington Lands: Application No. 1986 - BCE Place (Ward 6)

Origin: City Clerk, upon application by BCE Development Corporation (c71luc87750:81)

Comments:

This report is organized under the following headings:

1. SUMMARY
2. BACKGROUND
3. SITE AND SURROUNDINGS
4. DEVELOPMENT PROPOSAL
5. POLICY CONTEXT
6. PUBLIC MEETING
7. COMMENTS FROM CIVIC OFFICIALS
8. PART II OFFICIAL PLAN
9. ZONING BY-LAW
10. SECTION 36 AGREEMENTS
11. HERITAGE EASEMENT AGREEMENTS
12. DEVELOPMENT REVIEW
13. PROCEDURE

APPENDIX A	Part II Official Plan Amendment
APPENDIX B	Zoning By-law Amendment
APPENDIX C	Comments from Civic Officials
APPENDIX D	Transportation Analysis
APPENDIX E	History of Block
APPENDIX F	Public Meeting Notes

1. SUMMARY

This report proposes a Part II Official Plan for the block bounded by Yonge Street, Front Street West, Bay Street and Wellington Street West known as BCE Place. It also proposes a Zoning By-law amendment to implement the Part II Plan with respect to the proposal for redevelopment of the block submitted by BCE Developments Limited.

The project site consists of an entire city block on which the applicant is proposing two office towers; one of 52 storeys in the southwest corner of the block, and the other of approximately 42 storeys on the south side of Wellington Street West. The proposed development actively integrates all of the thirteen historic buildings currently found on the site. The project is proposed to contain a non-residential density of 12 times the area of the block.

The Part II Plan approach affords the greatest opportunity to ensure that development proposed for this important and physically complex block is treated in a comprehensive manner, and that public goals are most effectively achieved. The Part II Plan outlines general development objectives for the site, as well as specific policies regarding matters such as structure, form, physical amenities, heritage conservation, housing, transportation, and open space.

Amendments to the Official Plan are proposed which would permit increases in height and density of development on the lands in return for certain public benefits under the provisions of Section 36 of the Planning Act, 1983. Increases in non-residential density are to be accompanied by decreases in residential density so that the total density which could be constructed will not exceed what is presently permitted. The requested increase in non-residential density to 12 times is an effective increase of 2.6 times above that which is presently permitted in the Official Plan. The Plan now permits increased density for historic buildings and community services space. The impact of increased non-residential density on transportation systems has been studied.

The developer has agreed to provide the following public benefits in connection with the proposed development:

1. the maintenance, restoration and conservation of the historically designated buildings known as 30 Yonge Street and 20 Front Street West;

2. the maintenance, restoration and conservation of the historically and architecturally significant portions of the historically designated buildings municipally known as Nos. 36, 38, 40, 42, and 44 Yonge Street and Nos. 1, 5, 7, 9, 11 and 15 Wellington Street West. The latter two buildings may also be relocated on the lands;

3. the leasing of the entire space within 30 Yonge Street, together with immediately adjacent space, for a total of 4 645 square metres of non-residential gross floor area, for a period of 99 years and an annual net rent not more than $2,

such space to be used for a publicly accessible cultural or institutional use which showcases the interior of the building;

4. the conveyance to the City of a parcel of land at Jarvis and George Streets which measures approximately 7 880 square metres, for the purpose of providing assisted housing;

5. the payment to the City of $2,800,000 for the purpose of providing assisted housing;

6. the provision and maintenance of a fully equipped and furnished non-profit workplace daycare centre on the lands, for a term of up to 99 years, free of all rent, operating expenses and municipal taxes;

7. the provision and maintenance of a climate controlled interior public space of at least 1 650 square metres, for use as a public recreation space and walkway;

8. the provision and maintenance of a major, public open urban space of at least 1 500 square metres;

9. the provision and maintenacne of one or more works of art in publicly accessible portions of the lands, of a value not less than 1% of the value of the construction of buildings erected on the lands;

10. the construction and maintenance of an underground public pedestrian tunnel connecting Union Station, through the affected lands to the southerly limit of Wellington Street West; and

11. the provision and maintenance of a continuous pedestrian route below ground extending from Union Station, through the subject lands to the southerly limit of Wellington Street West.

The proposed Official Plan Amendment would permit one or more commercial, institutional, residential and/or mixed use buildings having a non-residential gross floor area of up to 12 times the area of the lot (approximately 261 782 square metres or 2,817,895 square feet) and up to 428 residential dwelling units.

The proposed Zoning By-law implements the proposed Official Plan Amendment, and:

1) restricts the permitted residential density on the lands to a maximum of 305 dwelling units, comprising not more than 30 500 square metres of gross floor area;

2) imposes height limits;

3) divides the site into distinct Parcels (see Map 4), and restricts the maximum non-residential gross floor area of the lands as follows:

- Not more than 125 000 square metres of non-residential gross floor area is permitted on Parcel A, representing the proposed Canada Trust Tower;

- Not more than 135 000 square metres of non-residential gross floor area is permitted on Parcel B, representing the proposed Bay/Wellington Tower;

- Not more than 14 650 square metres of non-residential gross floor area, representing the existing building at 20 Front Street West;

- Not more than 27 000 square metres of non-residential gross floor area on Parcel D, representing the remaining historic buildings.

In addition, the Zoning By-law provides that a maximum total density for the whole site of 261 782.4 square metres cannot be exceeded.

2. BACKGROUND

2.1 Previous Approvals

In January, 1982, the Land Use Committee requested the Commissioner of Planning and Development to report on guidelines for the redevelopment of the block bounded by Front Street West, Bay Street, Wellington Street West and Yonge Street. The Preliminary Report, adopted by the Land Use Committee in March 1982, outlined an approach to the formulation of guidelines which involved consultation with the owners of property on the block with the objective of coordinated development.

In July 1982, the Committee of Adjustment granted Inaugural Investments additional density under the provisions of Section 1A.42(b) of the Official Plan for the retention of the historic building at No. 20/22 Front Street West. City Council subsequently approved plans for a six-storey addition to the building in September 1983.

In April 1983, the Canadian Imperial Bank of Commerce (C.I.B.C.) which owns a large segment of the block, applied for demolition permits for the historic buildings at 36 to 44 Yonge Street and 15 and 11 Wellington Street West. Those buildings on Yonge Street

had been designated under the Ontario Heritage Act in 1976 and the remainder were subsequently designated by City Council on September 6, 1983. A report on criteria for the development of the block dated September 30, 1983, indicated the importance of the historic buildings on the block and proposed development guidelines for the block. These criteria have formed the basis for the Part II Plan recommended in this report.

In March 1985 Oxford Development Group Ltd., B.C.E. Realty Inc. and Truscan Realty Ltd. applied to rezone a large portion of the block to permit the construction of a 45-storey office building at the northeast corner of Bay Street and Front Street West. Revised plans to construct a 31-storey building in that location were approved by City Council on October 22, 1985.

2.2 Preliminary Report

On April 8, 1987, your Committee had before it my Preliminary Report on Application No. 1986 from BCE Development Corporation, for amendments to the Official Plan and Zoning By-law for the full block bounded by Front Street West, Bay Street, Wellington Street West and Yonge Street.

This report provided details of the proposed development and set out in general terms the planning issues and recommended planning process to be followed.

Included among those recommendations were the following:

> "That the Commissioner of Planning and Development be requested to prepare a Part II Plan for the block bounded by Bay Street, Wellington Street West, Yonge Street and Front Street.
>
> That this report be referred to the Planning Advisory Committee to hold a public meeting on the application.
>
> That the owner be required to submit a transportation study, a pedestrian level wind study and a sun shadowing study for consideration in a Part II Plan.
>
> That the owner be required to submit a Noise Impact Statement in accordance with the City Council's requirements, prior to the introduction of a Bill in Council.
>
> That the applicant be requested to submit a separate application to the Department of Public Works to close and convey the lane."

Each of these steps has been complied with by the applicant and is discussed in this report.

2.3 Public Meeting

As recommended in the Preliminary Report, a public meeting was held by the Planning Advisory Committee on June 9, 1987 to consider the proposed development and required amendments to the City's Official Plan. This meeting is discussed in Section 6 of this report and detailed minutes are attached to this report in the Appendix F.

2.4 Part II Official Plan Approach - Interim Report

As recommended in my Preliminary Report, a Part II Official Plan process has been followed for establishing the planning and development policies for this full block development. My report of July 9, 1987, entitled, "Part II Official Plan approach for block bounded by Front Street West, Bay Street, Wellington Street West and Yonge Street - BCE Place" examined this approach in greater detail.

This interim report defined the rationale for the Part II Plan for the block, and discussed a density bonus system to be included in the Part II Plan pursuant to Section 36 of the Planning Act. It defined and proposed a set of general principles for the use of Section 36 and then detailed specific bonus densities to be offered in exchange for specific public benefits considered appropriate in terms of existing Part I policies and the particular characteristics of the development site. Finally, the report provided a brief description of the process for reviewing, approving and implementing the Part II Plan.

The Part II Official Plan Approach report recommended endorsement of the Part II Plan approach and principles, including the Section 36 bonuses. It also recommended that I prepare a final report in consultation with the City Solicitor and appropriate officials containing the Part II Official Plan, a draft implementing Zoning By-law and the principles of the necessary legal agreements. It was recommended that drafts of these agreements as prepared by the City Solicitor be approved by Council prior to, or together with the approval of the necessary draft by-laws. Lastly, the report recommended proceeding separately with an Official Plan amendment respecting the conveyance of a public lane as discussed below. The report was adopted by Council at its meeting on August 10 and 14, 1987.

2.5 Lane Closing

As part of the proposed redevelopment of the subject lands the developer has applied to the City to close the mid-block north-south lane which runs south from Wellington Street West. The proposed closing and conveyance of the public lane is required to permit the intended full block redevelopment.

In my report dated July 27, 1987, approved by the Land Use Committee on August 12, 1987, I recommended that the City Solicitor prepare the necessary draft by-law to amend Section 1A.46(a) of the Official Plan as it applies to this block to provide for the conveyance in the context of the proposed redevelopment.

A public meeting was held by the Land Use Committee on September 23, 1987, to consider the draft Official Plan amendment to permit the conveyance of the lane . At its meeting of October 5, 1987, City Council approved the report of the City Solicitor, dated August 17, 1987, setting out the terms and conditions of the lane closing and conveyance and adopted the draft Official Plan amendment.

3. SITE AND SURROUNDINGS

3.1 Surrounding Area

The BCE Place block represents the last undeveloped segment of the six blocks which constitute the core of Toronto's Financial District between Front Street West and Adelaide Street West on either side of Bay Street. Each of these blocks has been redeveloped in the past two decades to provide major office developments catering to financial institutions. These developments include the Toronto Dominion Centre, Commerce Court, First Canadian Place, Royal Bank Plaza, Scotia Plaza and now BCE Place. This area represents Toronto's presence as the financial capital of Canada.

The area to the east of the block contains a mix of office, retail, residential and theatre uses in both historic and modern buildings. The BCE Place block acts as a transitional development in a number of ways:

(a) between the financial institutions of Bay Street and the theatre and retail district to the east;

(b) between the highrise towers of the financial core and the lower buildings to the east of Yonge Street; and

(c) between the modern architecture which dominates the west side and the historical architecture which is characteristic of Front Street and the St. Lawrence Market area east of Yonge.

To the south, the Dominion Public Building (1926) with its curving classical facade establishes a built form scale for Front Street. The Bank of British North America at the north-east corner of Yonge and Wellington Streets (1872), and the many historic buildings around Berczy Park provide a historical context which is unique in Toronto.

3.2 Site

The development site consists of the entire block bounded by Front Street West, Bay Street, Wellington Street West and Yonge Street in the Financial District. It has an area of 21,815.2 square metres or 2.2 hectares (5.39 acres). The block consists of five parcels (see Map 2).

Parcel 1:

The portion of Parcel 1 abutting the west side of the public lane to Bay Street is owned by BCED Realty Inc. and BCE Place Limited. The remainder of the parcel is owned by BCED Realty Inc., BCE Place Limited and Truscan Realty Limited, a subsidiary of Canada Trust. The site is vacant with the exception of the Credit Foncier building at the corner of Bay and Wellington and an adjacent small building to the south.

Parcel 2:

Is also owned by BCED Realty Inc. and BCE Place Limited and together with parcel 1 comprises 54% of the block. It is the site of the historic Bank of Montreal building.

Parcel 3:

Is owned by the C.I.B.C. through its subsidiary The Dominion Realty Company Limited and is subject to a long term ground lease in favour of BCED Realty Inc. and BCE Place Limited which has been sub-leased to BCE Place (Wellington) Limited. It covers 37 % of the block and includes 11 historic buildings. The unique grouping of three and four-storey buildings fronts on Yonge Street and Wellington Street West and includes the Commercial Bank building.

Parcel 4:

Is owned by Inaugural Investments Limited and comprises 7% of the block. It is the site of the 8-storey historically designated building municipally known as 20 Front Street West. It has a recent six-storey addition.

Parcel 5:

Is a public lane covering 2% of the block which is proposed to be closed and conveyed to the applicant or whomever it may direct for inclusion in the development.

Thirteen historic buildings are located on the site which present particular difficulties for the redevelopment of this block. The buildings occupy between one-quarter to one-third of the ground area of the block, including some key locations, and 36 per cent of the frontage of the block.

The Bank of Montreal building of 1886 located at the southeast corner of the block, is the most significant building on the block. It is considered to be one of the first nineteenth century buildings in Canada today. The interior of the building remains historically intact and contains a fine banking hall.

The other historical buildings include:

- No. 36 Yonge Street built in 1844-45;

- No. 38 and 40 Yonge Street built in 1852, which were renovated in 1866 - 1868;

- No. 42 Yonge Street built in 1850-51 with alterations in 1872 - 82;

- No. 44 Yonge Street built in 1850-51 and also altered in the years between 1872 - 88;

- No. 1 Wellington Street West was built in 1846 and was changed a few times in later years;

- No. 5 Wellington Street West was built in 1859;

No. 7-9 Wellington Street West were built in the mid eighteen hundreds but No. 9 was replaced in 1918;

- No. 11 Wellington Street West was built in 1844-5;

- No. 15 Wellington Street West is the second most important historical building on the block. Known as the Commercial Bank of the Midland District, it was built in 1845;

- No. 20 Front Street West was built in 1923-24.

The history of the block and a description of each of the buildings is to be found in Appendix E of this report.

4. DEVELOPMENT PROPOSAL

The redevelopment proposal for the Front, Yonge, Bay and Wellington Street block submitted by BCE Development Corporation includes the entire block. It is significant in that it proposes the retention and restoration of the large number of historical buildings on the block as an integral part of the new development. The historical buildings are proposed to be retained in a form which enhances their uniqueness and expands their presence on the site through their incorporation into a Heritage Precinct. Two major office towers complete the block and are linked to the Heritage Precinct by a glazed Galleria.

The east end of the development retains a scale and character consistent with the existing buildings and other historical buildings to the south and east of the block. The Bank of Montreal building will be restored and will be publicly accessible through the incorporation of a public use which encourages public entry into the building. Infill buildings are compatible with the adjacent existing buildings, maintaining the street line and contributing to the retail activity on the street and within the interior of the block. An interior block focus is provided for the Heritage Precinct through the creation of a glass covered climate controlled open space which is accessible to the public, known as Heritage Square. This "wintergarden" will provide a year round amenity for the public in the area and is lined with buildings which are compatible in form and scale with the existing historical buildings in the Heritage Precinct. Retail uses will surround Heritage Square connecting the historic street frontage with the interior of the block.

Heritage Square is connected to Bay Street through the centre of the block with a glass covered and climate controlled Galleria. This Galleria will offer a public walkway through the block in an east-west direction and at the same time connect the new parts of the development to the Heritage Precinct.

The bulk of the new development is confined to the west end and centre of the block in two major office towers of 42 and 52 storeys in height. Three large trading floors are proposed adjacent to the lower office floors within 4 to 6-storey high portions of the buildings. Retail uses line most of the grade level both along the streets and the interior of the block. A retail concourse level and two to four levels of parking complete the development.

The integration of the historic buildings into the development requires that portions of the buildings be rebuilt to achieve consistent floor levels and two buildings, at Nos. 11 and 15 Wellington Street West, will be moved. The moving of the Commercial Bank building at No. 15 Wellington Street West was a matter of concern to several people at the public meeting held by the Planning Advisory Committee. The Toronto Historical Board has been involved in discussions with the applicants regarding these issues and supports the integration of this building within Heritage Square.

The pedestrian facilities proposed for the site include not only the grand unifying feature of the Galleria, but also a major north-south route through the block linking Commerce Court with Front Street. The most significant part of this is to be a major publicly accessible open space facing onto Front Street. This space on the south side of the block will provide a sunny open space which is unlikely to be shaded in future years. Below grade, in the concourse a pedestrian way is to extend from Commerce Court to Union Station. Public accessibility to these areas will be secured through appropriate agreements.

5. POLICY CONTEXT

Toronto's Official Plan is made up of two components - the Part I Plan which sets out policies to guide the development of the City as a whole; and Part II Plans, which establish development controls and policies for particular sub-areas within the City. As set out in Section 8.3(c) of the Part I Plan, it is the policy of Council that Part II Plans may vary any of the density or other provisions of the Part I Plan in response to local circumstances and based on appropriate local study.

A large number of Part II Plans have been developed for sub-areas within the City. Part II Plans have also been used to establish appropriate site planning controls and land use policies for major redevelopments such as the St. Lawrence neighbourhood, Harbourfront, the Railway Lands and the World Trade Centre.

The Front, Yonge, Wellington and Bay Street block is the largest comprehensive development proposed for the Financial District since the adoption of the Central Area Plan. The block also has significance beyond its size. Its history, location and the opportunities it presents mean that the impact of its comprehensive development, if appropriately planned and regulated, could be enhanced to the benefit of the City as a whole.

5.1 The Part I Official Plan

The Part II Plan should be based on existing Part I policies and provisions, adapted as appropriate to the opportunities presented by a comprehensive development of the block. Part II Plans may vary density or other provisions of the Part I Plan in response to local conditions or specific issues relevant to the Part II area. However, Part II Plans are essentially area-specific elaborations of Part I policies, and therefore should be consistent with the fundamental principles of the Part I.

In the case of the proposed Part II for the BCE Place block, the most relevant Part I policies are the following:

(a) the identification of the Financial District as the most accessible area within the Central Core, and consequently the first priority area for office development (1A.6);

(b) the promotion of retail uses, particularly at grade level, within the Central Core (A1.14 - 1A.17);

(c) the encouragement of housing in the Financial District while recognizing that Financial District developments are not appropriate locations for the implementation of specific housing targets (1A.26);

(d) the statement of Council's intention to ensure that its assisted housing targets are met (2A.9);

(e) the promotion of community services and facilities within the Central Area (1A.30, 1A.35);

(f) the statement of Council's objective that there be space and facilities within the City for education, research and the arts, and that institutions for these purposes design and locate their facilities to enhance the appearance of the City (6.3, 6.4); and

(g) policies respecting "Physical Form and Amenity", including the designation of Areas of Special Identity; the preservation of heritage buildings; the maintenance of significant views; the provision of public walkways, open spaces and pedestrian amenities; and the improvement of street level micro-climatic conditions, including wind, sun and noise (1A.40 - 1A.49).

5.2 Section 36 of the Planning Act

Section 36 of the Planning Act allows municipalities to authorize increases in density and height of development in return for meeting specific municipal objectives. As described in "Guideline 8" published by the Ministry of Municipal Affairs and Housing in

1983 to explain the provisions of the new (1983) Planning Act, the Section 36 provisions "are intended to provide incentives to encourage private sector involvement in the achievement of stated public objectives, such as the provision of special or assisted housing, the preservation of buildings with historic or architectural value or the provision of additional open space or other services."

Before zoning by-laws to implement Section 36 can be enacted, policies must be included in the Official Plan setting out the objectives the municipality wishes to achieve through density bonuses. Therefore, the Part II can appropriately maximize the particular opportunities presented by the development of this block by establishing a bonusing system consistent with Part I objectives and the study of issues and conditions relevant to the block.

Section 36 density incentives are considered an appropriate means for realizing objectives respecting the following matters in relation to the redevelopment of the BCE Place:

* Historic Preservation
* Public Use of the Bank Of Montreal Building
* Workplace Daycare
* Assisted Housing
* Union Station Connection

Specific bonuses to encourage the provision of public benefits in the first four of these categories are consistent with the general guidelines identified in my current study of policy options to promote private sector investing in assisted housing and general policies for the use of Section 36 incentives. In terms of the Union Station connection, the importance of this facility to the City generally, and the fact that the City is the other landowner involved make it appropriate to provide a bonus for some portion of its cost.

As discussed elsewhere in this report, other matters, including the provision of public art, are also secured through the proposed Section 36 agreement, even though specific density incentives have not been provided. This approach has been taken in order to ensure that there is a comprehensive agreement to implement the major objectives of the Part II Plan.

The methodology involved in determining the amount of bonus appropriate for each of the facilities or matters provided for under Section 36 involved an estimation of both the approximate value of increased commercial density, and the cost of providing the public benefits considered appropriate for bonusing. The values used in this analysis were not specific to the development

proposal, but were transferable fairly generally throughout the Financial District. The objective was generally to compensate the developer for the cost of providing a facility, service or matter by providing an equivalent value in revenue producing space. In the case of the provision of assisted housing, a greater bonus was proposed to provide a particular economic incentive and in recognition of the fact that assisted housing provided off-site does not enhance the value of the Financial District development, while other public benefits provided on-site do have this affect. The bonus for the conservation of historic buildings was not based on costs but rather on Section 1A.42(b) of the Official Plan.

The methodology was very time-consuming and involved a patient and fair applicant. It could not be repeated for every similar proposal. I believe the results may be transferable within the Financial District and will comment on this in a suitable context.

5.3 Other issues

The Part II Official Plan defines appropriate policies for a parcel of land which should apply irrespective of a particular ownership structure or development proposal. Therefore, the Part II Plan has been formulated so as to continue to be relevant if the development presently proposed for the block by BCE Development Corporation is substantially revised or a new proposal is put forward.

The maximum development potential permitted by the Part II Plan should be appropriate in terms of anticipated built form and satisfactory in terms of its impact on transportation and other service systems. In any event the maximum non-residential density should not exceed 12 times the area of the block, and the total development potential, (non-residential and residential) should not exceed that permitted by the Part I Plan.

6. PUBLIC MEETING

In accordance with recommendations of the Preliminary Report, the Planning Advisory Committee held a public meeting on the application, on June 9, 1987. There were a number of people who spoke in support of the development, others asked for additional information while a third group raised criticisms of the proposed development. The following summarizes the main issues raised; detailed minutes of the meeting are attached in the Appendix.

Heritage conservation received the most discussion. One group of questions revolved around the relocation of the Clarkson Gordon building from 15 Wellington Street to the interior of the Heritage Precinct within the Heritage Square. Some raised concerns about the appropriateness of the new location in terms of the

compatibility of the scale of the Clarkson Gordon building with the adjacent towers. The potential for views of the Clarkson Gordon facade from Wellington Street was another issue relating to the relocation. The desirability of preserving the entire building behind the facade was a further issue raised.

The issue of historic preservation also emerged with respect to the Bank of Montreal building. One attendee questioned the future use of the building, and whether the interior would be preserved.

A second focus of the discussion was housing issues. Essentially three questions were raised, relating to:

(i) whether the developer would offer a contribution to the homeless, and of what size;

(ii) why housing was not part of the development; and

(iii) why assisted housing was not being provided on-site, and where it would be located instead.

Some questions were also asked about design considerations. These queries related to the impact of the new development on views from existing buildings on the block, the appropriateness of the scale of development, and whether infilling of streetscapes would be a design goal.

Other issues raised included:

(a) the approvals process and timing;

(b) public access to the galleria and the wintergarden;

(c) extent of and access to parking;

(d) impacts of the new development on the public transit system;

(e) connections between BCE Place and the King Street subway station;

(f) the level of the development's density; and

(g) the relationship between municipal tax revenues and the density permitted.

Responses to these issues are contained in discussion throughout this report.

7. COMMENTS FROM CIVIC OFFICIALS

Following the adoption of my Preliminary Report, the application was circulated to various civic officials for comment. Revised plans were circulated on September 2 and September 18, 1987. Representatives of each department have been consulted on a continuing basis in the process of reviewing this application. I have received comments from the civic officials as listed below which are contained in Appendix C to this report:

(a) Commissioner of Buildings and Inspections (October 7, 1987)

(b) Commissioner of Public Works (October 15, October 29 and November 9, 1987) (c) Commissioner of Parks and Recreation (to be received)

(d) Toronto Historical Board (September 14, 1987)

(e) Commissioner of Metropolitan Planning (November 6, 1987)

The comments of the Commissioner of Buildings and Inspections were considered in the formulation of the draft Zoning By-law amendment.

The recommendations of the Commissioner of Public Works have generally been included in the recommendations of this report except where they will be dealt with in Development Review. In particular, his recommendations that the owner be required: (a) to construct the pedestrian tunnel (Section 8.7 of this report) to coinicide with the completion of the office tower at Bay and Front Streets; and (b) to convey to the City a portion of land for the widening of Bay Street; are discussed in this report. The Commissioner's comments on the Transportion Impact Study are considered in Section 8.10 of this report.

The Commissioner of Parks and Recreation has been involved in the continuing assessment of the provision of open space on the site. His written comments have not been received to date.

The Toronto Historical Board has been involved on a continuing basis in negotiating the retention of the historic buildings on the site. The endorsement of the Board is noted in Section 8.3 of this report and recommendations respecting Heritage Easement Agreemdents are included herein.

The comments and concerns of the Commissioner of Metropolitan Planning are addressed in Section 8.10 of this report.

The comments and concerns of the Comissioner of Housing were contained in Clause 39 of Report No. 15 of the Land Use Committee which was defore Council on August 10, 1987. They are discussed in Section 8.5 of this report.

8. PART II OFFICIAL PLAN

8.1 Comprehensive Development

The Part II Plan for the Yonge, Front, Bay and Wellington Lands applies to the entire block bounded by these streets. A basic premise of the Part II Plan is the achievement of public objectives through the comprehensive redevelopment of the block. The retention of the substantial group of historical buildings on the east end of the block is best achieved by the redistribution of density away from these buildings. Their integration with new development is accomplished through a comprehensive design approach. The proposed policy would provide for the major portion of new commercial development on the block to be located within the Office Area as illustrated on drawing 3 attached to this report, leaving the Heritage Precinct area relatively free of development.

The provision of major public spaces and through-block pedestrian connections on the block is also achieved through a comprehensive approach. Similarly, the coordination of servicing access and parking on the block is best achieved with an integrated development as proposed. (Part II Plan 2.1)

8.2 Heritage Buildings

The preservation of the historic section of the BCE Place block has been a primary goal of the planning process since 1982. My "Criteria" report of September 30, 1983, recognized the opportunity provided for preserving the many historical buildings on the block that were at that time threatened with demolition. That report stated:

"... basic to the formulation of such criteria is the unique opportunity presented by this large group of historic buildings which presently form the context of two well-known landmarks of national significance also on the block, the Bank of Montreal at the corner of Front Street and Yonge Street and the Commercial Bank of the Midland District at 15 Wellington Street West. These historic buildings are situated at the junction of the Financial District, with its tall office towers and the St. Lawrence District, with its historic and cultural buildings and housing and embody the history of the block and the potential for an interesting redevelopment on these lands in the future."

It was therefore felt that redevelopment provided an opportunity not only to secure the future of these important buildings, but also to make them an integral and functioning component of a unique development in the City's financial core. On this basis the following criteria were developed with respect to historic buildings:

(a) No demolition of existing historic buildings should occur without an approved development proposal for the subject site.

(b) Owners should keep all existing buildings in safe repair and occupied until a development proposal has been approved.

(c) New development proposals should address the retention and preservation in active use of the historic and architecturally significant buildings on the block.

(d) A mixture of uses should be encouraged including offices, housing, retail, cultural and entertainment uses in both new development and in the renovation of existing buildings. Street related retail uses along all street frontages and along the midblock pedestrian walkway should be encouraged.

(e) The scale and character of existing historic buildings should be reflected in building heights and setbacks along the street frontages.

A cornerstone of the Part II Plan is the conservation, rehabilitation and restoration of the historical buildings designated by Council under the Ontario Heritage Act. These buildings are identified as 30,36,38,40,42 and 44 Yonge Street, 1,5,7,9,11 and 15 Wellington Street West and 20 Front Street West. The achievement of density increases through this Plan is conditional on the conservation of these buildings in a manner which respects their quality and character. The retention and conservation of the buildings will be secured through Heritage Easement agreements at the time a zoning bylaw is passed. Rehabilitation and restoration will be secured under a Section 36 agreement related to the rezoning.

The Part II Plan provides that where only a portion of a designated historical building is retained, it must contain those features identified by Council as having historical and/or architectural significance. It also provides that new development adjacent to the designated historical buildings should be designed to respect the scale and form of the existing buildings.

8.3 Heritage Precinct

Comprehensive development of the block provides an opportunity to retain the significant portions of all the existing historical buildings and to enhance them by integrating them within a Heritage Precinct. As proposed, the Heritage Precinct will add to and enliven the existing historic buildings by creating a focus within the block. Heritage Square, a publicly accessible glazed interior space, forms the focus and will be surrounded by new buildings of a scale and character which are compatible with the existing buildings. The Heritage Square, the existing historic buildings and the new buildings will together form a Heritage Precinct restoring the historical buildings to their former prominence and creating a unique public environment in Toronto.

Infill development of a similar scale and character is encouraged in order to provide continuous streetscapes compatible with the existing buildings and to contribute to the retail activity of the precinct. The Heritage Square will be connected to Yonge and Front Streets and will connect the precinct to the rest of the BCE Place Lands through the Galleria extending to Bay Street.

The proposed integration of the historic buildings, other than the Bank of Montreal building and 20 Front Street West, into the development requires that portions of the buildings be rebuilt to achieve consistent floor levels and to provide below grade facilities. This means that portions of the buildings other than the facades could be replaced. It is also proposed that two buildings, at Nos. 11 and 15 Wellington Street West, be moved. No. 11 is to be relocated to the existing space at No. 3 Wellington Street West, creating a continuous streetscape on that portion of the block.

No. 15 is proposed to be relocated to a position in the centre of the block immediately south of its present location, adjacent to the Heritage Square. Considerable time was spent in assessing with the Toronto Historical Board whether the building could be retained in its present location. The Board concluded that it was regrettable that the Commercial Bank building could not be retained on its original site, but notwithstanding this reservation, it commended the developer for the quality and extent of the historical preservation initiative. Their comments are included in Appendix C to this report.

The moving of the Commercial Bank building at No. 15 Wellington Street West to a prominent location in the Heritage Square was a matter of concern to several people at the public meeting held by the Planning Advisory Committee. Retention of all of the historical buildings on the block severely limits possible acceptable locations for the two office towers on the block. BCED

contends that the move of No. 15 Wellington Street West is necessary because it conflicts with the viable location for the second office tower. The proposed design has limited the need to relocate buildings to the minimum possible while still allowing a viable and attractive redevelopment of the entire block. The recommended location will ensure that the Clarkson Gordon building will have a place of prominence and vital new use within the Heritage Square.

The Heritage Precinct affords a unique opportunity to revitalize the heritage buildings with a strong and well integrated retail area relating to pedestrian areas within the block as well as to adjacent public streets. The BCE Place proposal makes use of the Heritage Square at the heart of this area to achieve these goals and to provide a focus to this area. The measures outlined above to be taken by the developer to secure and enhance the unique heritage character of this block fulfill the original criteria for the development of the block.

The existing provisions of Section 1A.42(b) of the Official Plan would provide a bonus for the retention of the historical buildings equal to the floor area retained. The existing non-residential gross floor area of these buildings totals approximately 25 360 square metres (273,000 s.f.). As outlined in my July 9, 1987 report, I am recommending an additional incentive for the development of the Heritage Precinct.

Accordingly the Part II Plan provides a heritage bonus under Section 36 of the Planning Act of up to 38 700 square metres (416,500 s.f.) of non-residential gross floor area which includes the bonus under Section 1A.42(b) of the Official Plan. This represents an additional density of about 1.77 times the area of the block or an increase of 0.6 over the existing bonus. The bonus is available provided Council is satisfied that adequate facilities are to be provided to physically complete the Heritage Precinct. The facilities are to include: the restoration of all of the historic buildings; the provision of a significant interior public space of at least 1650 square metres (17,760 s.f.) in size, climate controlled for year-round use and accessible to the public, and the incorporation of suitable infill buildings. (Part II Plan 2.2, 4.1, 4.2, and 9.3)

8.4 Public use of the Bank of Montreal

The interior of the Bank of Montreal building is a valuable and unique space which should not only be preserved but should also be visible and accessible to the public. Consequently, the developer has agreed that the historic Bank of Montreal Building shall be devoted to a public use on a rent free basis and shall be restored in an appropriate manner at its expense.

The developer has consulted with various potential users of the space over the past year. It appears that no user was to be found that could make use of the Bank building alone for a publicly accessible use. The Bank of Montreal building is about 15,000 sq.ft. in area. The proposal is therefore to extend the available space through an additional 35,000 sq.ft. of space immediately adjacent to the Bank building, at the concourse level.

The current proposal by the developer is to relocate the Hockey Hall of Fame to the Bank of Montreal Building. The present Hockey Hall of Fame, which is located at the CNE, is considered to be outdated and explorations have been underway for some time seeking a new location, including locations in other provinces.

The Bank of Montreal building is ideally located for access with its proximity to Union Station and the subway. It is anticipated that the Hockey Hall of Fame will have broad public appeal attracting between 250,000 and 300,000 visitors per annum.

Although no specific design has been proposed for the space, the current concept suggests three distinct areas. The spectacular ground floor banking hall space would be used for exhibition purposes, displaying hockey awards, and trophies such as the Stanley Cup in low, free-standing exhibition structures, commemorating excellence in the sport as well as reflecting its history. The architecture of the significant interior would be virtually untouched. The remaining basement and upper level space would contain administrative, curatorial, and other support functions.

Escalators would take visitors to the concourse level, where the second exhibition area of the Hall would focus on the "action of the game". This exhibition space would provide other interactive displays which would expose visitors to the action, excitement, movement, colour and flash of Canada's national sport. This space would lead to the third activity area, also on the concourse level - the sponsored theatre. Here film presentations and video displays would focus on great moments in the sport and current hockey events.

This proposed use may be suitable for the space, but Council is not being asked to approve it with these by-laws. The Official Plan, zoning and agreements will accommodate a wide range of uses. Council will eventually be asked, under the provisions of the Section 36 Agreement, to approve a user. The Hockey Hall of Fame, like any other proposed use, should meet certain criteria for selection. I suggest that any proposed use for the Bank of Montreal space must be:

(a) accessible to a large portion of the public on a daily basis;

(b) able to retain the image and character of the Bank building both inside and out;

(c) non-profit, non-commercial and financially stable; and

(d) for a cultural or social purpose as set out in the Section 36 Agreement (see Section 10.1.4 of this report).

The Part II Plan seeks an appropriate public use that will enhance public access to the Bank of Montreal building and display its significant interior space. The Plan provides a Section 36 bonus of up to 18 060 square metres (194,400 s.f.) of non-residential gross floor area, or 0.83 times the area of the block, for the leasing of the Bank of Montreal building and the adjacent new space to an appropriate non-profit organization, rent free for a period of 99 years. The space is to be used for a publicly accessible cultural or institutional use which displays the Bank interior. The bonus is based on a total of 6 times the floor area of the historic Bank building and 3 times the floor area of the additional space. The bonus includes the area of the space to be leased and therefore represents a commercial bonus of only 13 415 square metres (144,400 s.f.). The greater value represented by the 6 times bonus for the Bank area recognizes the potential commercial value of this well-located, exceptional historic space. (Part II Plan 2.4, 4.3 and 9.4)

8.5 Assisted Housing

The Official Plan identifies the primary role of the Financial District as providing office space and does not rely on this area to contribute towards fulfilling housing targets. It has been elaborated in this report that appropriate conditions exist for the awarding of additional commercial density in locations within the Financial District where a comprehensive redevelopment is undertaken through a Part II amendment to the Official Plan. Such additional density creates a considerable value for the land owner. It is therefore consistent with the objectives defined for the use of Section 36 of The Planning Act, 1983 that such additional density be awarded in return for a major contribution towards public benefits which are important for the City as a whole.

Many such benefits should ideally be provided on-site as is the case with the retention and restoration of historic buildings, which is the critical objective for the BCE Place block. However, assisted housing is considered to be one of the most important priorities of the City and a key goal of the Official Plan Part I which encourages the provision of assisted housing throughout the Central Area, except for the Financial District. The strong desire to develop higher commercial densities in the Financial

District provides an incentive to achieve the City's assisted housing goals off-site. It has become increasingly difficult to find affordable and suitable assisted housing sites in the centre of the City. BCED has offered to provide a sizable residential site at Jarvis and George Streets - a key location in the Central Area. Under the existing Official Plan, the 7,990 square metre site would be capable of accommodating up to 290 units, presenting an opportunity to address housing needs in the Central Area. The provision of assisted housing on this site would also fulfill goals outlined in the "South of Carlton Part II Plan" regarding maintaining a supply of accommodation suitable for low-to-moderate income residents.

The Jarvis Street site is sufficiently large that it could be developed by several housing producers, including one or more private housing, co-op or non-profit housing groups. In this manner, a diversity of housing design and tenure could be achieved on the site. This approach would help to maximize the social, economic and physical mix of the area, encouraging neighbourhood stability.

The Commissioner of Housing has been involved throughout the process of negotiating for the site, and agrees with my assessment that in terms of its substantial size, good location, high unit capacity, availability of appropriate and accessible services, and compatibility with existing surrounding uses, the site is indeed suitable for assisted housing. In addition the Housing Commissioner emphasized the importance of securing this site for assisted housing as a means of reinforcing the principle of developers contributing good housing sites rather than cash-in-lieu payments only.

In my opinion, the density bonus attributable to the provision of assisted housing should not exceed 2.0 times the area of the lot so that at least half of the total bonus floor area is awarded in return for other important public objectives to be promoted on this block through the use of density incentives.

The Part II Plan provides a bonus of 56 square metres (600 s.f.) of nonresidential gross floor area for each assisted housing unit for which a site acceptable to City Council is provided within the Central Area. The calculation of the number of assisted housing units which could be accommodated on a proposed site is based on the number of conventional assisted housing units permitted by the Official Plan on the site to be provided to the City. In an area designated Mixed Commercial-Residential, the number is to be calculated on the basis of units per hectare and any residual non-residential density may be deemed to be equivalent to conventional assisted housing units on the basis of one unit for each 100 square metres of residual non-residential gross floor area.

Not all housing needs can be addressed by the provision of housing sites. Meeting the critical housing shortage for single people and the hard to house often requires other approaches such as the retention and conversion of existing housing. BCED has also proposed a contribution of $2.8 million to meet special housing needs.

The maximum bonus for the provision of assisted housing is limited to 43 630 square metres or 2 times the area of the block. The proposed contribution by BCED would result in a bonus of approximately 25 310 square metres (272,450 s.f.) of non-residential gross floor area or 1.16 times the area of the block. (Part II Plan 2.3, 5.1, 9.5 and 9.6)

8.6 Workplace Daycare

It is an objective of the Official Plan to encourage the provision of community services and facilities in the Central Area to meet the needs of the district and future resident, working and visiting populations. The provision of workplace daycare on-site represents an important fulfillment of this objective. City Council has consistently supported the provision of workplace daycare facilities in recent major developments. The applicant has offered to provide a daycare facility in conjunction with the development of the block at a second floor location on Front Street West next to the Heritage Square.

The provision of a fully equipped and furnished, non-profit workplace daycare centre in conjunction with the development of the block is an objective of the Part II Plan. A bonus of up to 2 856 square metres (30,740 s.f.) of non-residential gross floor area or 0.13 times the area of the block is given under Section 36 of the Planning Act 1983 for the provision of such a daycare centre, (accommodating at least 52 children) on the block. The facility would be at least 530 square metres (5,700 s.f.) in size with an outdoor play area of at least 350 square metres. It would be provided free of all rent, building operating expenses and municipal taxes for a period of up to 99 years and not less than 25 years. (Part II Plan 2.4, 6.1, and 9.1)

8.7 Tunnel Connection

It is an objective of the Official Plan to encourage the provision of pedestrian walkways providing access to public transit. Normally a developer is expected to pay for the connection. Owners on either side of a tunnel usually share the cost. In particular instances the City has contributed to connections between developments where they are critical to providing a unified pedestrian system. The underground pedestrian connections

between the GO trains at Union Station and the Financial District are presently severely constrained.

The single north/south route through the TTC Union Subway Station entrance area is extremely congested at peak hours. An alternative below grade crossing of Front Street from Union Station to the downtown is needed to alleviate this problem. This crossing should connect Union Station and the Union subway station to a new north/south underground pedestrian route through BCE Place to Commerce Court, Scotia Plaza and eventually to Simpsons.

BCED has proposed to construct a pedestrian concourse below grade with connections to Wellington Street West and to Union Station. The tunnel connection to Union Station and the subway would provide the necessary alternate route and should unblock the congestion at the subway. Discussions have taken place between the City, the TTC and BCED to design the route of this tunnel.

The Part II Plan provides a bonus of up to 2335 square metres (25,130 s.f.) or 0.11 times the area of the block of non-residential density for the provision of a below grade pedestrian tunnel below the intersection of Front Street West and Bay Street joining Union Station, the Union Subway Station and a continuous pedestrian system extending from the south-west corner of the block to Wellington Street. This bonus would recognise approximately half of the projected total costs of the tunnel. (Part II Plan 7.4 and 9.8)

This bonus is being considered in particular because the City owns the land on which Union Station is built. BCED has offered to construct the whole tunnel at its expense. Because of the necessity of providing such a connection, this facility for public use is considered worthy of a bonus.

8.8 Form of Development

The physical form of the development envisaged by the Part II Plan for the block bounded by Yonge Street, Wellington Street West, Bay Street and Front Street West, takes its point of departure from my "Criteria" report of September 30, 1983. This report included the following development criteria:

> "The scale of development should provide a transition between the tall office towers on Bay Street and the 3 to 4-storey historic and cultural buildings in the St. Lawrence area and on Front Street.
>
> The scale and character of existing historic buildings should be reflected in building heights and setbacks along street frontages.

A pedestrian walkway and view corridor should be maintained for public use through the middle of the block from Front Street to Wellington Street. The southern part of this corridor on Front Street should be developed as public urban space."

These issues of physical form, together with others subsequently identified, have been incorporated into the proposed Part II Official Plan for the block. The proposed development of BCE Place has also followed closely the direction established in these early criteria.

8.8.1 Physical form

In the Part II Plan the block is divided roughly into an eastern portion comprising the Heritage Precinct and a western portion dominated by highrise office development. As a result, the major portion of the new commercial development is confined to the two towers which are to be located on the southwest corner and the middle north portion of the block. Within the Heritage Precinct, new buildings and public spaces are to be designed in a manner in keeping with the historic buildings. (Part II Plan 3.1)

Appropriate height limits are to be established to ensure that the objectives defined above are realized. These height limits will provide for a transition in scale from the highrise commercial development on Bay Street to the lower buildings east of Yonge Street. (Part II Plan 3.2)

It is anticipated that development within the Heritage Precinct would be lowrise and carefully designed to be compatible in scale and form with the existing historical buildings. However, it is recognized that the optimal location for residential development on the block would be within or adjacent to the Heritage Precinct, where it provides a transition in terms of land use to the mixed-use residential character of the St. Lawrence neighbourhood to the east. Highrise residential development will be permitted to occur along Front Street West where it is appropriate to the scale of existing development. It is recognised that residential development of some form may be compatible with the historic buildings along Yonge Street, however, this would require further detailed review and accordingly, a further amendment of the proposed height limit. (Part II Plan 3.3.d)

Energy efficiency is an important consideration in the design of buildings and the redevelopment of a scale being contemplated on the BCE Place Lands. The issue of energy efficiency is to be addressed in the organization, materials and technology used in the development of buildings on the site. (Part II Plan 3.3.j)

8.8.2 Views

Significant views are important in determining an appropriate development for the block. The view from within the block on the north-south axis is terminated by the central portico of the Dominion Public Building. The Bank Of Montreal building should continue to act as a visual focal point at the intersection of Yonge and Front Streets. Also the setbacks of the buildings should maintain existing views along existing streets such as Bay Street through maintaining the relationship of buildings along the street edge. (Part II Plan 3.3.c)

8.8.3 Pedestrian Environment

A key consideration in the redevelopment of the block for BCE Place is the creation of an interesting and varied pedestrian environment along public streets, walkways and open spaces throughout the block. (Part II Plan 8.1)

Bay Street is an important north-south route for pedestrian circulation,particularly at peak rush hour periods as pedestrians walk to and from Union Station. An additional grade level route is proposed to bisect the block linking Commerce Court and Front Street, again providing access to and from Union Station. A major open space forms part of this route on Front Street. An additional major pedestrian route through the block in an east-west direction through the Gallery and the Heritage Square will allow pedestrian access between the Financial District on the west and the theatre and restaurant district to the east of Yonge Street.

Related to the issue of views and pedestrian amenity is the relationship between the built fabric and the open spaces, whether public or private. Generally development should line the edges of all the public streets and should also frame open spaces which are accessible to the public. This will ensure that a comfortable and interesting environment is provided for the many pedestrians who will pass through or alongside this development, (Part I Plan 3.3.e and f). In order to further enhance the pedestrian environment at grade, a large proportion of the grade-level floorspace lining public or private open spaces will be used for retail purposes, thereby creating a more engaging and lively experience for pedestrians. The Yonge Street sidewalk will be lined with active retail uses at the ground floor of the historic buildings, at least 80% of which is to be used for retail purposes, (Part II Plan 3.3.g).

Each of the pedestrian routes should be carefully designed for ease of access and use. In some instances they should be sheltered from the elements by covered arcades or climate controlled enclosures. Specifically, the Bay Street frontage and

the frontage along Front Street to the west of the open space area should provide some protection from the elements for pedestrians. The pedestrian routes through the block should also be protected where practicable. Such mid-block pedestrian routes should be inviting and clearly visible to the public. Seating, landscaping and pedestrian scale lighting should be provided where appropriate. (Part II Plan 8.1, 8.4.a,c and d)

Access to buildings from pedestrian routes should be directly at grade level without the use of stairs. In addition, all publicly accessible space should be made readily accessible to the handicapped. (Part II Plan 3.3.h,i)

8.8.4 Public Open Space

It is an objective of the Official Plan to increase the amount of open space adjacent to pedestrian areas in conjunction with new development in the Central Area. This is primarily achieved through the securing of common outdoor space in development review. Section 41 of the Planning Act, 1983 permits the municipality to require the conveyance for park or recreational purposes of up to 2% of land propposed for redevelopment for commercial purposes. An assessment of the development options for the block in consultation with the Commissioner of Parks and Recreation indicated that conveyance to the City of a 436 square metre park area (2% of the block) was not a desirable option and that Section 41 was not needed or appropriate. What was considered desirable was the securing for full public access of a major open space on the block in a location fronting on Front Street West, adjacent to a north/south mid-block pedestrian route. Although this area might be secured through Section 40 development review, the lcoation and public accessibility are appropriately secured at this time under Section 36 of the Planning Act, 1983.

The approach proposed in this Plan is to secure a high quality landscaped open space of at least 1500 square metres (16,150 s.f.), or about 7% of the area of the block, for public use but not conveyed to the City. In my opinion this approach is appropriate for an urban public space which is integral to the surrounding development.

What the City is receiving is full public accessibility to this urban open space in an optimum location in return for the general consideration of increased height and density being permitted on this block. No specific density bonus is provided, although the securing of this space is considered appropriate where a commercial density bonus is to be given. Accessibility to this major open space is to be secured through a Section 36 agreement. The design and quality of the space is to be secured through a Section 40 Development Agreement. (Part II Plan 8.2).

8.8.5 Microclimate

The Official Plan indicates that City Council will seek to ensure satisfactory conditions with respect to wind and shade in important pedestrian areas. The Part II Plan more specifically identifies the public open space discussed in 8.8.4 above, the Heritage Square, the daycare play area and the nearby Commerce Court as areas that should be permitted reasonable sunlight penetration. All exterior pedestrian areas, both on and around the block, should be protected from the adverse effects of wind. The Plan particularly suggests that principal pedestrian routes should provide weather protection, notably along Bay Street and part of Front Street West. Major public spaces on the site should be protected from uncomfortable noise conditions.

Acceptable studies of wind and sun conditions in pedestrian areas both on the block and within 150 metres of it should be provided in conjunction with a Section 40 development review application. A noise impact study should also be submitted for the development. (Part II Plan 3.3.a,b and 8.4.b)

8.9 Public Art

In October 1985 City Council adopted a policy of requiring that major private developments provide a contribution of 1% of the gross construction costs of the development to be used to provide public art. There are three key objectives inherent in the City's public art policy;

That the public art provided in private developments be of excellent quality.

That the public art be located in the development in spaces that are clearly visible and accessible to the public.

That the City has a means of ensuring that the 1% budget is spent on the public art program.

The Part II Plan for the block provides that Council will seek the provision of works of art which will be integrated with the design of the publicly accessible spaces through an appropriate public art program. Increases in non-residential density will be permitted only if works of art are provided in publicly accessible areas on the block with a total value of at least 1% of the value of new construction. The Section 36 Agreement will set out the detailed requirements for the public art program, which are described in Section 10.2 of this report. (Part II Plan 8.3, 8.4.e, and 9.2.d)

8.10 Transportation

As noted earlier in this report, the owner commissioned a transportation study of the proposed development which was completed in a report prepared by the IBI Group dated October, 1987. This report has been reviewed by City and Metro staffs. The transportation impacts of the BCE Place proposal have been analyzed and reviewed at both the local and regional scale, including the consideration of site-specific issues related to pedestrian and vehicular access. The following discussion provides a brief description of the joint review of transportation impacts undertaken by the staffs of the Departments of Public Works and Planning and Development. A fuller treatment is presented in Appendix D of this report.

It is estimated that the BCE Place development will generate a maximum of 3,600 peak-hour trips, of which some 900 would be attributable to the additional office development rights for which planning permission is currently being sought. Automobile passenger trips are estimated to be 20% (720 trips) of the total resulting in 140 vehicle trips that are attributable to the increased density. The BCE Place development includes provision for up to roughly 1,900 parking spaces, although the current planning submission only proposes 1,660 spaces. To be conservative, the traffic analysis was based upon the higher peak-hour volumes generated by a 1,900 space parking garage.

The traffic generated by the BCE Place development was added to existing traffic volumes plus the growth in traffic that might result from future potential developments in the Downtown which are currently scheduled for completion ahead of BCE Place. Traffic was assigned to the existing road network and both regional and local impacts were assessed.

Metro staff were principally concerned in their review with traffic impacts on the regional road system, particularly the problems of road access from the west in the already congested Gardiner/Lake Shore corridor. Clearly, future traffic problems of this nature can only be attributed in very small part to the BCE Place development and there are currently under study a number of major transportation proposals to improve overall access to the entire Central Area. These proposals are discussed in the recent joint Metro/City report on the "Central Area Monitoring Program" (CAMP). However, as the Metropolitan Planning Commissioner has commented, any additions to commercial development rights in the Central Area can only serve to exacerbate the long-term regional traffic situation and, consequently, such development approvals should be accompanied by a strenghtened commitment, from both the City and Metro, to the framework of transportation improvements described in the CAMP report. These improvements include such major road proposals as the Front Street Extension and the Gardiner Expressway widening.

Metro staff have also taken the opportunity to suggest, in their review of the BCE Place Development, some additional regional or area-wide road improvements which are not currently under formal study. Briefly, these include proposals to study the implementation of a Front/Wellington one-way street system between just east of Spadina Avenue to Church Street; the extension of peak-period parking/stopping restrictions; further restrictions on Downtown delivery times, and the possible introduction of a development levy to help defray the costs of additional transportation facilities. I agree that these are all items worthy of further consideration but, like the Commissioner of Public Works, I feel such proposals as the Front/Wellington one-way system to be longer term options that require considerably more study before any form of endorsement can be given.

At the local level, the traffic analysis showed that, in general, the local street system can accommodate the predicted traffic levels, though some intersections would be operating marginally over capacity for certain traffic movements. As a result of the analysis, the requirement for a southbound left-turn lane on Bay Street at the Front Street intersection was identified and the additional right-of-way will be secured from the BCE Place development. This modification will also allow for the introduction of a northbound left-turn lane at this intersection, which will further improve traffic flows in the area. The Yonge/Wellington intersection is forecast to become heavily used to access the BCE Place development and Metro Planning staff pointed out that the future provision of a northbound left-turn lane on Jarvis Street at the Front Street intersection would prove beneficial in relieving this situation.

A particular issue of local concern is the provision of adequate access to the underground parking garage. Access will be provided from Wellington and Front Streets. Wellington Street is one-way westbound and access is confined to left-in and left-out movements only. On Front Street the situation is complicated by the fact that building design considerations require the access point to be close to the Yonge Street intersection and the presence of a landscaped median prevents left-turn movements along this section of street. Two design options were studied. The first option retains the median along Front Street and limits access to right-in and right-out movements only. The second option provides for a "cut" to be made in the median to permit eastbound left-turn movements into and out of the garage. This option would also require a storage lane for vehicles turning left into the garage and most of the median would, consequently, have to be removed.

The consultant concluded that both options will work satisfactorily, though the second might provide for marginally better traffic conditions. Metro staff recommended a compromise

design that would only allow left-turns into the garage without provision for the more difficult outbound left-turn movement which has the potential to create a dangerous weaving situation over the short approach to the Front/Yonge intersection. However, the Commissioner of Public Works does not believe that projected conditions warrant any action to cut and partially remove the landscaped median and recommends, instead, that the BCE Place development be permitted to proceed without any commitment to changes to the median. In reviewing this situation, I concur with the position of the Commissioner of Public Works with the added stipulation that City and Metro staffs undertake to jointly review the Front Street access situation one-year after the full development of the BCE Place site.

Truck loading facilities for the entire BCE Place development will be provided on-site in accordance with the requirements of the City's Zoning By-law and an off-street parking area for courier pick-up and deliveries will also be provided. These measures will reduce the congestion on the surrounding surface streets which these activities typically create.

In looking at transit-access, BCE Place is situated in one of the Central Area's most advantageous locations, with convenient connections to both the Yonge and University subways, and GO-train services at Union Station. It is estimated that the full BCE Place development will generate approximately 1,700 subway trips, 300 surface transit trips and 700 Go-train trips during the peak-hour. The analysis indicates that these additional transit riders, plus the estimated riders from other future developments that may precede BCE Place, can be accommodated by the existing and planned transit services to the Central Area. No significant changes would be required to TTC services and the currently planned expansions to Go-rail services can accommodate the projected ridership growth on this mode.

An important element in ensuring a high level of transit use is the provision of enhanced pedestrian connections between the BCE Place site and the rapid transit system. To this end the BCE Place development will include an extension of the underground pedestrian system to both Union Station (for subway and Go-train services) and to the King Subway Station via the Melinda Street entrance. The Commissioner of Public Works has indicated that the underground pedestrian connection to Union Station should be constructed to coincide with the completion of the office tower at the north-east corner of the Bay/Front intersection. The BCE Place development will also provide the first element in the creation of a new north-south pedestrian route from Union Station to the Eaton Centre which promises to provide long-term relief to the present heavily used underground walkway system one block to the west.

On the surface, the through-block walkway system will also enhance Downtown pedestrian access. Also, bicycle racks will be provided at several convenient locations around the site to accommodate and encourage this mode of travel.

Overall, the local road network, with the improvements and access arrangements described above, will accommodate the peak traffic volumes generated by BCE Place. However, there will be increased congestion at some intersections for particular traffic movements. The TTC and Go-transit systems can provide sufficient transit capacity to accommodate the projected levels of demand. In addition, the BCE Place development will significantly improve the Downtown pedestrian system, particularly through the expansion of the underground network which will further encourage a high level of transit use to the site. The additional 55,000 square metres of development rights included in the BCE Place proposal will have only a minimal effect on the overall rate of Central Area office development. However, each such approval of additional development should serve to strengthen the commitment to the framework of regional transportation facilities currently under study to provide better long-term access to the Central Area as described in the City's 1986 Quinquennial Review and the recent joint Metro/City CAMP report.

8.11 Density

The provisions of the Part I Official Plan will continue to apply to the block except where they are in conflict with the proposed Part II Plan. Development in accordance with the existing Zoning By-law would therefore be permitted by the Part II Plan should the owner not wish to use the bonus provisions. (Part II Plan 1.3 and 9.1)

The density bonuses provided for in the Part II Plan are available subject to certain basic provisions. The principal condition is that the historic buildings on the block be maintained and conserved in a manner which respects their quality and character. (Part II Plan 9.2.c)

The total non-residential density permitted on the block, with the exception of areas used for designated public walkways, should not exceed 12 times the area of the block. In my opinion, a limitation on total density is appropriate and necessary when dealing with density bonuses. A maximum density of 12 times the site area is consistent with the surrounding context of development within the Financial District and the suitable built form possibilities on the block. (Part II Plan 9.2.a)

The increase in commercial density should be accompanied by a commensurate reduction in residential density on the block. The

residential density which remains on the site should not exceed that which would have been permitted under the provisions of Part I of the Official Plan, and should be reduced by one dwelling unit for each 100 square metres of non-residential gross floor area permitted in excess of that permitted under the Part I Plan. The effect of this would be to permit up to a maximum of 428 dwelling units on the block. The total number of residential units and the maximum residential gross floor area permitted under this Plan should be determined with consideration of the built form impact on the site. (Part II Plan 9.2.b)

The BCE Place proposal could provide the following densities under ther proposed bonusing outlined above:

Basic commercial density	(8.00x)	174 521 m2	1,878,600 s.f.
Historic bonus	(1.77x)	38 700 m2	416,600 s.f.
Public use -Bank of Montreal	(0.83x)	18 060 m2	194,400 s.f.
Assisted Housing	(1.16x)	25 310 m2	272,450 s.f.
Daycare	(0.13x)	2 856 m2	30,750 s.f.
Union Station Tunnel	(0.11x)	2 335 m2	25,100 s.f.
Total Non-residential	(12.00x)	261 782 m2	2,817,900 s.f.

9. ZONING BY-LAW

This section describes amendments to the Zoning By-law which I am proposing to implement the Official Plan Part II and to permit the BCE Place development. A draft zoning by-law is contained in the Appendix to this report. Except for the provisions outlined in the draft zoning by-law, the provisions of the general Zoning By-law No. 438-86 will continue to apply to the subject lands.

The proposed zoning by-law contains references to the facilities, services and matters which the owner is to provide pursuant to Section 36 which are not explicitly defined in the by-law. The Agreement sets forth in detail the owner's obligations respecting such matters.

9.1 Definition of lot

The draft site specific zoning by-law provides that the development lot, for the purposes of applying the provisions of the amending bylaw, comprises the whole of the block bounded by Yonge, Front, Bay and Wellington Streets as set out in Section 2 of this report.

The draft by-law provides for the definition of a number of parcels on the above-described lands, (see Map 4):

- Parcel A of the development lot is that parcel of land associated with the Canada Trust Tower area;

- Parcel B is that land associated with the Bay/Wellington Tower area;

- Parcel C is the No. 20 Front Street West area; and

- Parcel D is the land which contains the remainder of the historically designated buildings.

The draft amendment provides that the general provisions of the Zoning By-law No. 438-86 regarding definition of "lot" do not apply, thereby permitting more than one building to be erected on the lot.

9.2 Distribution of density

The zoning by-law amendment stipulates a maximum non-residential gross floor area for the entire development lot of 259,447.4 square metres (2,792,760 s.f.). A further bonus available for the provision of a pedestrian tunnel, as described in Section 9.14 of this report, would raise the maximum non-residential gross floor area to 261 782.4 square metres (2,817,900 s.f.). This gross floor area can be provided alone or in combination with dwelling units. As elaborated elsewhere in this report, the level of non-residential gross floor area is greater than that permitted as-of-right on the subject lands and is to be awarded conditional on the satisfactory provision of certain public benefits and the fulfillment of certain conditions. These conditions are outlined in Sections 9.4 to 9.14 inclusive.

The draft by-law amendment apportions the aggregate permitted non-residential gross floor area amongst the Parcels A to D described above. Maximum gross non-residential floor areas for each of the parcels are as follows:

- 125,000 square metres (1,345,500 s.f.) on Parcel A;
- 135,000 square metres (1,453,200 s.f.) on Parcel B;
- 14,650 square metres (157,700 s.f.) on Parcel C; and
- 27,000 square metres (290,600 s.f.) on Parcel D.

It should be noted that the sum of the permitted non-residential gross floor area on each parcel exceeds the total permitted density allowing necessary flexibility in the detailed development of each parcel. However, on no account will the total non-residential density on the lot be permitted to exceed 12 times the area of the block with the exception of areas used as defined pedestrian walkways.

9.3 Housing on site

The draft by-law amendment provides for not more than 305 dwelling units with a maximum total residential gross floor area of 30,500 square metres (328,300 s.f.) on the development lot. Although housing is not part of the present development proposal, the height envelope would permit a residential building on Front Street or on the west end of the block.

The Part II Plan provides for a higher maximum number of dwelling units (428). Without a specific proposal for the site and in the context of the present development proposal, the lower number of units has been calculated to an appropriate as-of-right provision. The further restriction of residential gross floor area has been proposed with respect to the potential impact of building bulk on the adjacent historic buildings. A further rezoning would be required to increase the amount of housing permitted on the block.

9.4 Heritage buildings

The draft by-law amendment stipulates that to achieve increased non-residential density the owners of the development lot will in accordance with the Section 36 Agreement:

(a) maintain, conserve and restore the historical buildings municipally known as No. 30 Yonge Street (the Bank of Montreal building) and No. 20 Front Street West.

(b) maintain, conserve and restore the historic buildings or architecturally significant facades of the buildings known as Nos. 36, 38, 40, 42 and 44 Yonge Street, and Nos. 1, 5, 7 and 9 Wellington Street West; and

(c) maintain, restore and conserve the historic buildings or architecturally significant facades of the buildings currently found at Nos. 11 and 15 Wellington Street West which may be relocated elsewhere within the development lot, the locations of which are identified in the Section 36 Agreement.

9.5 Lease of Bank of Montreal building

The draft by-law requires that the Bank of Montreal building and adjacent space be made available for a cultural or institutional use at a token annual net rent. This may be accomplished through one or more leases for a period of 99 years. A minimum total of 4645 square metres (50,000 s.f.) of non-residential gross floor area is to be provided, of which at least 1374 square metres (14,800 s.f.) must be in the Bank building itself. This ensures that the whole of the Bank of Montreal is the subject of such lease.

9.6 Public Open Space

The by-law requires the provision of a publicly accessible open space, including landscaping, of at least 1500 square metres (16,150 s.f.) and with a minimum dimension of at least 28 metres (92 feet), on Front Street within Area A on Map 4 as a part of the common outdoor space requirements for the site. This secures the provision of the major open space subject to the requirements of the Section 36 Agreement.

9.7 Heritage Square

The by-law requires the provision of an interior, climate controlled publicly accessible space of at least 1 650 square metres (17,7530 s.f.) in size. This major space is to have a clear interior height of not less than 15 metres and is to be located primiarly within Area D on Map 4.

9.8 Conveyance of Jarvis Street site

The draft by-law requires that the developers of the subject property convey to the City a parcel of land located between Jarvis and George Streets, north of Dundas Street and measuring approximately 7990 square metres (86,000 s.f.), for assisted housing purposes.

9.9 Contribution for assisted housing

The draft by-law requires that the developer pay $2.8 million to the City as a contribution toward the provision of assisted housing in the City of Toronto.

9.10 Daycare

The draft amendment requires the provision of a fully equipped and furnished daycare centre on the subject lands. The daycare centre is to be operated on a non-profit basis and is to be provided free of rent, costs required to occupy the space and municipal taxes for a period of up to 99 years and not less than 25 years. It is to consist of a minimum indoor gross floor area of 530 square metres (5,700 s.f.), and an outdoor play area of not less than 350 square metres (3,770 s.f.), and is to accommodate at least 52 children.

9.11 Public Art

The by-law requires that the developer contribute art works within publicly accessible portions of the development lot. The value of the art must not be less than 1% of the cost of construction of new buildings and structures on the development lot, other than

the daycare, the Bank of Montreal facility, pedestrian walkways and restoration of historic buildings.

9.12 Height

Maximum heights for buildings on the development lot are shown on Map 5. They would permit a 52-storey building (240 m or 785 ft.) at Front and Bay Streets, a 42-storey building (215 m or 705 ft.) at Bay and Wellington Streets and a 32-storey residential building (115 m or 375 ft.) on Front Street. It should be noted that a residential building is not a part of the present application. The height limit of 21 metres (70 ft.) over the heritage buildings is designed to protect existing historic buildings while permitted the new development. Height limits of 5 m (16 ft.) and 35 m (115 ft.) respectively define the open space area and the Galleria and Heritage Square. The height limits are described in metres above sea level grade, and grade level for the block is assumed to be 02 metres above Canadian Geodetic Datum.

9.13 Street related retail

A public goal with respect to the proposed development has been to ensure a lively pedestrian environment along the streetfronts of the development lot. To this end the by-law requires that the street frontages of each parcel on the development lot be comprised of a minimum length of retail and service uses at grade level. The minima are:

- 62 metres (203 ft.) on Parcel A;
- 85 metres (279 ft.) on Parcel B;
- 16 metres (53 ft.) on Parcel C; and
- 147 metres (482 ft.) on Parcel D.

9.14 Tunnel

The draft by-law permits an additional 2335 square metres (25,100 s.f.) of non-residential gross floor area for the provision of a public pedestrian tunnel and continuous pedestrian route on the block. The by-law requires that an underground pedestrian tunnel connection be provided between Union Station and one or more buildings on the development lot. In addition, it requires the provision and maintenance of a continuous pedestrian route below grade extending from Union Station through the development lot to the southerly limit of Wellington Street West.

9.15 Enforcement

The draft by-law requires that restoration, conservation and maintenance of the Bank of Montreal building and No. 20 Front Street West be undertaken in accordance with requirements laid out

in the agreements between the City and the developer before the new development in excess of that presently permitted on Parcel A can be occupied by any uses other than community services and facilities. This provides a means for ensuring the timely historic preservation of those buildings.

Similarly, the draft by-law prohibits the use of any new development in excess of that presently permitted on Parcel B for uses other than community services and facilities until the remaining historic buildings on the development lot have been restored in accordance with the Section 36 agreement.

10 SECTION 36 AGREEMENT

The 1% public art contribution and the public open space are also being secured under S.36 of the Planning Act (rather than through other legislative avenues), although no bonus density or height increase is explicitity linked with these two benefits. These benefits are considered necessary in the context of the additional densities proposed for this development.

Certain facilities or matters are secured by the Section 36 Agreement for considerations of increased density. Bonus density is specified for each facility or matter under the provisions of the proposed Part II Plan. Facilities or matters having explicit densities associated with them include:

- the retention and restoration of heritage buildings;
- provision of an historic precinct;
- a workplace daycare facility;
- assisted housing;
- a pedestrian tunnel, and
- public use of the Bank of Montreal building.

10.1 Heritage Buildings

The Section 36 Agreement establishes the parameters and extent of preservation and restoration of the heritage buildings on the BCE Place site, securing, implementing and elaborating upon the provisions of the Official Plan Part II and the Zoning By-law amendment. The Section 36 Agreement is intended to ensure that restoration is completed, in a manner and timeframe satisfactory to the City.

10.1.1 Conservation and Restoration

The Section 36 Agreement requires that all of the historic buildings or facades and other architecturally significant portions which currently exist on the BCE Place site will be conserved and restored at the developer's expense. The Bank of Montreal building and the building at No. 20 Front Street West will be retained in their entirety. The historically and architecturally significant portions of the buildings at Nos. 36, 38, 40, 42, and 44 Yonge Street, and Nos. 1, 5, 7, 9, 11, and 15 Wellington Street West will be conserved and restored. Restoration of all historical buildings will be subject to the Heritage Easement Agreements, and undertaken in accordance with the philosophy set out in the September, 1987 report prepared by Summit Restoration and the accompanying drawings and in a manner benefitting their historical character and importance.

In addition, the three murals located on the interior north wall of the Bank of Montreal building will be restored to the satisfaction of the Toronto Historical Board and the two rooms identified at No. 15 Wellington Street West will be reproduced within the replacement building, using the existing decorative mouldings, millwork and fireplaces unless otherwise approved by the Toronto Historical Board.

The developer is required to submit all plans, specifications and drawings relating to the restoration work to the City, and must obtain the approval of City Council before proceeding with such work.

The Section 36 Agreement also establishes timeframes for the restoration. Restoration of the Bank of Montreal building must commence no later than 18 months after the date on which the amending by-laws are finally approved. No starting date is stipulated for restoration of other historic buildings, but as a means of ensuring timely completion, the Section 36 Agreement restricts use of any portion of the second office tower above that permitted in the current zoning until restorative work on all historic buildings, including the Bank of Montreal, is completed.

As a means of securing activity in pedestrian areas, the Section 36 Agreement requires that at least 80% of the ground levels of No. 36, 38, 40, 42, and 44 Yonge Street, and No. 1, 5, 7, 9, and 11 Wellington Street West will, after restoration, be used for retail purposes. An enforcement clause also exists for this provision, restricting use of portions of the new development until such retail space is available and ready for occupancy, except for reasonable tenant improvements.

10.1.2 Demolition and Restoration

With respect to those historic buildings not required to be restored in full, certain conditions are established regarding demolition within 15 metres (50 ft.) of their facades. Specifically, any such demolition obligates the owner to provide a replacement building supporting the facade which must:

tf0;1 - be not less than 15 metres in depth; - have a functioning floor at all floor levels of the facade to a depth of at least 4 metres (13 ft.) (with the exception of No. 9 Wellington St. West); and

- be ready for occupancy not later than three years after the date demolition commences save and except for reasonable tenant improvements.

Moreover, no demolition permit for the area within 15 metres of the facades may be required to issue until application has been made for a building permit for the Bay/Wellington Tower.

As soon as is practicably possible after the relocation of Nos. 11 and 15 Wellington Street West, it is anticipated that City Council will pass by-laws to redesignate the structures and the new lands upon which they are located, as designated properties under the Ontario Heritage Act. The owners agree not to object to these by-laws, and to enter into any further Heritage Easement Agreements deemed necessary.

The Section 36 Agreement provides that, in the event that any of the historic buildings or facades are irreparably damaged in the course of construction, restoration, conservation or relocation, the Official Plan Amendment and/or Zoning By-law Amendment relating to the density bonus attributable to the historical buildings on the BCE lands can be rescinded. The rescinding will not occur if the owner rebuilds the irreparably damaged historical buildings in accordance with the requirements of the Toronto Historical Board.

10.1.3 Relocation of Nos. 11 and 15 Wellington Street West

The owner may undertake relocation of Nos. 11 and 15 Wellington Street West, subject to obtaining the prior written approval of the City. Any building or facade will be relocated in a location specified by the Section 36 Agreement. The relocation of a building or facade must be complete, and any building or replacement building ready for occupancy, not more than three years after the relocation commences.

The Section 36 Agreement provides that no relocation will commence until certain conditions are fulfilled by the owner. These conditions include:

- written approval secured from the City;
- issuance of the first building permit for the Bay / Wellington office tower; and
- complete documentation regarding the relocation is provided to the satisfaction of the City.

10.1.4 Lease

The developer will construct additional integrated space immediately adjacent and connected to the Bank of Montreal building providing a total area, including the Bank of Montreal, of not less than 4645 square metres (50,000 s.f.). Use of the new development will be restricted until such time as this space is provided. This space, in addition to the whole of the Bank of Montreal building, will be leased to a non-profit publicly accessible cultural or institutional use. The intent is that such use will enhance public access to the building, and showcase the interior of the Bank of Montreal building. Appropriate uses include, but are not limited to activities related to the arts, history, theatre, literature, music, sports, athletics, or the sciences, displays, exhibits, lectures, public meeting facilities, archives, museums or libraries and accessory uses. Approval by the City of the intended occupant is required before a lease is signed.

The Bank of Montreal building and adjacent space will be leased for a total period of 99 years, at a net rent of two dollars. As it is a net lease, the intent is that the owner may require the occupant to pay the ongoing expenses associated with its occupancy such as utilities, maintenance, repairs and its share of municipal taxes. The lease is subject to numerous other terms as laid out in the Section 36 Agreement regarding matters such as other costs, subletting, termination, etc.

The City retains an option to lease under certain circumstances laid out in the Section 36 Agreement. Essentially, the onus is on the owner to keep the premises suitably occupied. In the event such is not the case, and under certain circumstances the City may then exercise its option. In the event the City becomes the tenant, the City becomes responsible for most of above referred ongoing expenses. A broader range of uses is permissible should the City become the lessee including general institutional use or municipal or government offices.

10.2 Public Art

The Section 36 Agreement outlines details of implementation of the developer's contribution to public art, intended to ensure

fulfillment of the three key City objectives of excellent quality, publicly accessible art, and commitment to spend the required funds.

The amount of this contribution is to be equal to 1% of gross construction costs of all buildings on the lands exclusive of the building areas which are the result of requirements of the Section 36 Agreement and exclusive of pedestrian walkways. The Agreement provides the applicant with four options for complying with the 1% for public art requirement. These options are as follows:

(i) The owner may donate 1% of the building budget to the City's capital budget for public art projects;

(ii) The owner may commission art works to the value of 1% of the gross construction costs, such works to be distributed throughout the proposed development of the BCE Place Lands;

(iii) The owner may invite the collaboration of artists in the design of the building exterior and public environment to the value of 1% of the gross construction costs. Such collaborative art works are to be distributed throughout the proposed development.

(iv) The owner may combine any or all of options (i) to (iii).

The City encourages the use of option (iii) in major developments as an approach which is most likely to achieve an integrated program of public art which will enliven and humanize the City's public spaces.

The applicant has formally elected to undertake option (iii) in compliance with the 1% for public art program.

The procedure which has been set out in the Agreement for compliance with these options is as follows: For Option (i)

The applicant will pay the 1% contribution to the City prior to the issuance of a building permit for any building on the lands.

For Option (ii)

The applicant will submit to the City an art program for the lands. This will include the method of selection of artists, the proposed location or locations of works of art, the budget and proposed timing for each part of the art program. My staff and the Toronto Art Commission will review the proposed art program

and make a recommendation to Council prior to the issuance of a building permit for any building on the lands.

For Option (iii)

The applicant will establish an internal Public Art Advisory Committee consisting of four members: a representative of the developer, a representative of the architect for the development, an independent architect, and an independent public art expert. The Public Art Advisory Committee will prepare a draft proposal call and list of artists to whom the call will be sent, which will be submitted for approval by my staff and the Toronto Public Art Commission. Proposals for collaborative art works received in response to the approved proposal call will be reviewed by the Public Art Advisory Committee and a program of collaborative art for the BCE Place Lands will be prepared. The program will include the type of collaborative art work, the role of the artists in the design team, the general distribution and location of the art works, their timing and estimated budget. The budget will reflect the estimated cost of the collaborative art above the base cost of the building element without the artists' collaboration.

The applicant will submit the proposed art program to my staff and the Toronto Public Art Commission for approval within six months of the final approval of this Official Plan Amendment and Zoning By-Law. Following approval the applicant will enter into contracts with the selected artists and proceed to implement the collaborative art as part of the development process for the BCE Place Lands. The collaborative art works must be completed within nine months of the date of substantial completion of the office tower and the development phase with which they are associated.

Because of the collaborative nature of the art program and the City's wish to provide flexibility in allocating the 1% for art budget between the phases of the development, the Phase I art budget may be allocated in part to Phase II lands, in accordance with an approved art program. If however the full Phase I funds are not spent in the Phase I lands, the City will secure any unspent funds to be carried over to Phase II by means of a letter of credit.

10.3 Daycare

The Agreement outlines specific requirements regarding provision of the Daycare Centre. The owner is responsible for constructing, finishing, furnishing, equipping and maintaining the daycare facility. It should be capable of accommodating at least 52 children, and is to be comprised of not less than 530 square metres (5,700 s.f.) of indoor space, and a minimum of 350 square

metres (3,770 s.f.) of exterior space The centre must be ready for occupancy within 32 months of the first building permit pursuant to this agreement being issued for construction on the BCE Place lands.

The daycare centre, including equipment, is to be leased for a renewable term of 25 years (up to an aggregate lease period not exceeding 99 years). If, at the end of any 25 year term, the owner gives the City notice of termination in respect of this facility, the Daycare space will revert to the applicant, and may be used for any use permitted in the Zoning By Law.

Permitted Daycare operators include a community college, the Municipality of Metropolitan Toronto, a corporation which operates one or more daycare centres on a non-profit basis, or the "daycare corporation" (a corporation set up by the owner for providing daycare services on the premises). The eventual daycare operator is to be determined 23 months after issuance of the first building permit, and will be selected by the owner, with the City's approval. This operator will then enter a lease of the daycare centre, as well as an equipment lease.

The term of this lease will be 25 years, renewable up to three further times, and there will be a one-time pre-paid rent of two dollars. All operating costs such as utilities and taxes, as well as maintenance costs, will be the responsibility of the owner. In addition, on or before the first date of operation of the centre, the owner will pay the operator $35,000, to be used for remuneration and expenses of any of the operator's staff whose services are necessary to prepare for the opening of the centre, and to defray start-up costs.

An advisory committee will be established to provide a consultative function to the operator. The composition of the committee is prescribed in the Agreement.

The City maintains an option to lease, which it may exercise if certain conditions of this agreement are violated, or under other specified circumstances.

10.4 Assisted Housing

It is a condition of the Section 36 Agreement that the applicant will provide the City a site for Assisted Housing and an additional cash contribution.

The Agreement provides that the applicant will convey to the City for a nominal sum of $2.00 a site of approximately two acres located between Jarvis and George Streets. The site is designated under the Official Plan for approximately 280 housing units, and

contains in addition four historically and architecturally significant houses, designated under the Ontario Heritage Act which could provide an additional ten units. The Jarvis/George Assisted Housing site will be conveyed to the City immediately upon final approval of the Official Plan, Zoning By-Law, and upon conveyance of the public lane.

In addition to the Jarvis/George Assisted Housing site, the Agreement will require that the applicant pay to the City a cash contribution in the amount of $2.8 million to be used for the purposes of Assisted Housing.

The Owner will provide a conveyance of the Jarvis/George Lands to the City prior to the introduction of the Bills in Council. The City Solicitor will hold such conveyance in escrow until such time as the By-laws are finally approved.

The applicant has requested that the cash contribution of $2.8 million be directed to two organizations which provide special needs housing for the homeless. These organizations are Covenant House and Anglican Houses. Covenant House has requested that the funds be used to assist in their capital funding campaign for a new shelter for street youth. Specifically the funds would be used to provide 30 long term supportive housing beds for homeless young people. Anglican Houses presently run a number of supportive long term housing programs for the elderly, single unemployed men, ex-psychiatric patients, and street youth. The cash contribution would be used to secure premises for these programs, and to develop new supportive housing programs.

This report does not make a recommendation regarding the ultimate uses or recipients of the $2.8 million contribution. The City will secure the contribution in a fund. Disbursement of the fund will be determined by Council, who might seek the advice of the Housing Department, the Alternative Housing Sub-committee, and the Liason Committee established in response to Recommendation 12 of the "Living Room II Report". Council may wish to consider the applicant's preferences regarding recipients of funding subject to this process and comments from these three Committees.

10.5 Pedestrian Tunnel

The Agreement will provide that the applicant will make the necessary application for and will design construct and maintain a continuous below grade pedestrian route from Union Station to the BCE Place lands.

This will be provided by way of a tunnel below the intersection of Front Street West and Bay Street, connecting Union Station to the

Concourse level of the development, and will be timed to coincide with the development of Phase I.

10.6 Public Open Space

The Agreement will require that the applicant provide a significant area of landscaped common outdoor space in the southerly section of the site, directly adjacent to Front Street, and with a minimum area of 1500 square metres (16,150 s.f.). This area will be designed, constructed and maintained by the applicant and will be open and accessible to the public except in the event of an emergency, and between the hours of 2.00 a.m. and 6.00 a.m. Rights of access by the public are guaranteed by the Section 36 Agreement.

10.7 Heritage Square

The Section 36 Agreement ensures that the owner will, at its own expense, design, maintain and construct an enclosed public space of not less than 1650 square metres (17,750 s.f.), which is climate controlled for year round use and having a glazed roof. Full rights of access to the space by the public are secured by the Section 36 Agreement. In addition, the agreement controls the quality of the space by making all details of design, materials, and furnishings and uses therein subject to the approval of the City and the Toronto Historical Board.

10.8 Noise Impact Study, Pedestrian Level Wind Study and Sun and Shade Study

The Section 30 Agreement will require the applicant to submit satisfactory studies as indicated by the title of this subsection. In addition it will require the owner to build in accordance with the noise impact study approved by the Commissioner of Public Works.

10.9 Unwinding

This Agreement will come into force and become binding on all the Parties on the Final Confirmation Date, which is the date of final approval of the amending Zoning By-Laws, the Official Plan, and the final closing and conveyance of the lane. If these conditions do not occur within a specified period of time the Agreement provides that there can be an unwinding of these agreements and a rescinding of the Official Plan and Zoning By-Law.

11. HERITAGE EASEMENT AGREEMENTS

The conservation and maintenance of the historic buildings are primarily to be secured by Heritage Easement Agreements. Four

agreements are proposed: one for 20 Front Street West; one for the Bank of Montreal building at 30 Yonge Street; one for the Commercial Bank of the Midland District at 15 Wellington Street West; and one for the remaining buildings at 36, 38, 40, 42 and 44 Yonge Street and 1, 5, 7, 9 and 11 Wellington Street West. The agreements are to be substantially in the standard form approved by Council in February 1987.

Each agreement will clearly indicate the reasons for identification for each building. Each will also refer to drawings approved by Council through development review which will indicate permitted changes to the buildings which are subject to the normal further approvals of details of construction or alteration.

A clause in the two Heritage Easement Agreements respecting 20 Front Street West and the buildings at 36 to 44 Yonge Street and 1 to 11 Wellington Street West will provide for the possible termination of the agreement at the end of 99 years if the owners are willing to have the property rezoned to permit only what is presently permitted under the Zoning By-law prior to the passing of these by-laws. This would provide with City with a negotiating position for further retention of the buildings and would be consistent with the Section 36 relationship of benefits to rezoning. A clause in each of the four agreements will provide for termination of the agreement in five years if the by-laws are not finally approved and in force.

12. DEVELOPMENT REVIEW

I will be reprting separately on development review for the proposed development. A Development Agreement should be secured for the entire development at the time of rezoning. Certain concerns of the Civic Officials identified in Appendix C will be addressed in this reivew.

The applicant proposes to proceed with development in two phases. This fact is recognized in the proposed Section 36 Agreement and will be addressed in the Development Agreement also.

The applicant has also requested that Part Lot Control be lifted for the block to smooth the process of construction financing. I will report separately on this matter at the same time.

13. PROCEDURE

The Planning Advisory Committee, at its meeting of November 23, 1987, should consider this report and the Part II Official Plan which it proposes and should forward its recommendations with respect to the Part II Plan, to the Land Use Committee.

The Land Use Committee is to hold a public meeting on December 11, 1987 to consider this report and the draft by-laws as submitted by the City Solicitor implementing the proposed Part II Official Plan amendment and Zoning By-law amendment contained in this report. The Committee should also have before it, on the same date, my report respecting Section 40 Development Review. The Committee may choose to forward its recommendations to City Council for its meeting of December 14, 1987.

As recommended in this report, prior to the introduction of Bills in Council the applicant will have to provide to the satisfaction of the City Solicitor:

(a) a Section 36 Agreement executed by the owners and mortgagees of the BCE Place Lands;

(b) four Heritage Easement Agreements respecting all of the historic buildings, executed by the respective owners and mortgagees:

(c) a deed of transfer for the Jarvis/George site together with a title opinion; and

(d) a payment of cash or the provision of a letter of credit to secure the assisted housing contribution of $2.8 million.

Following the passage of the Bills implementing the Official Plan and Zoning By-law amendments, and authorizing the Heritage Easements Agreements the City will execute and register the agreements referred to above. When the appeal period has expired for the Zoning By-law amendment if no objections are received and Provincial approval has been obtained for the Part II Official Plan amendment, the owner shall enter into a Development Agreement with the City. Within 30 days of final approval the City may convey the lane to the applicants if, simultaneously, the City obtains a satisfactory final title opinion respecting the Jarvis/George site together with registration of the deed to the City.

Recommendations:

1. That the City Solicitor be requested to submit a draft by-law to give effect to the Part II Amendment to the Official Plan substantially as set out in Appendix A of this report.

2. That the City Solicitor be requested to submit a draft by-law to amend the City's Zoning By-law substantially as set out in Appendix B of this report.

3. That the City Solicitor be authorized to prepare an agreement pursuant to Section 36 of the Planning Act, 1983 to give effect to the matters outlined in Section 10 of this report, and that he report on such draft agreement at the Land Use Committee meeting of December 11, 1987.

4. That, prior to the introduction of Bills in Council, the owners of Nos. 30, 36, 38, 40, 42, 44 Yonge Street, No. 20 Front Street West and Nos. 1, 5, 7, 9, 11 and 15 Wellington Street West be required to enter into Heritage Easement Agreements under Section 37 of the Ontario Heritage Act using substantially the form of Heritage Easement Agreement prepared in February 1987 by the City Solicitor and on file with the City Clerk, subject to such amendments as may be deemed necessary by the City Solicitor in consultation with the Toronto Historical Board and the Commissioner of Planning and Development.

5. That authority be granted for the introduction of any necessary Bills in Council to give effect thereto.

6. That the owners be requested to provide the Toronto Historical Board with two (2) copies of the required photographs of Nos. 1, 5, 7, 9, 11 and 15 Wellington Street West, and Nos. 30, 36, 38, 40, 42 and 44 Yonge Street for inclusion in the Heritage Easement Agreements.

7. That Clause 12.1(a) of the Heritage Easement Agreement, as revised, shall set a termination date of January 31, 1993 if the Official Plan and/or Zoning By-law amendments required by Application No. 1986 are not finally approved or in force, as the case may be.

8. That in respect of Nos. 1, 5, 7, 9, and 11 Wellington Street West, Nos. 36, 38, 40, 42 and 44 Yonge Street and No. 20 Front Street the Heritage Easement Agreements provide that the owners may terminate such agreements on or after 99 years provided that at the date of such termination the owners have not objected to by-laws rescinding the By-laws referred to in Recommendations 1. and 2. in respect of their lands.

9. That the owner be required to submit a Noise Impact Statement in accordance with City Council's requirements prior to the introduction of Bills in Council.

10. That prior to the introduction of the Bills in Council:

    (a) the owner provide the City Solicitor with a satisfactory Deed conveying the Jarvis/George Lands to the City and a satisfactory title opinion, such deed to be held in

escrow pending final approval of the By-laws and conveyance of the lane;

(b) the Owner pay to the City in cash or secured by a satisfactory letter of credit, the sum of $2,800,000.00 as part of the assisted housing contribution in accordance with the Section 36 Agreement;

(c) the Owner be required to enter into a Section 36 Agreement in accordance with this report to the satisfaction of the City Solicitor.

11. That the Commissioner of Finance be requested to report on the manner in which the City will hold the cash contribution referred to in Recommendation 10.

12. That the appropriate officials be authorized to execute the above referenced Section 36 Agreement on behalf of the City.

Robert E. Millward
Commissioner

MW/mt/jp

APPENDIX A

OFFICIAL PLAN PART II, YONGE, FRONT, BAY AND WELLINGTON LANDS

1.0 INTERPRETATION

1.1 For the purposes of this amendment to the Official Plan for the City of Toronto, the Yonge, Front, Bay, and Wellington Lands are defined as that area within the solid dark lines shown on Map A, attached to and forming a part of this Amendment, and comprise the areas designated on the aforesaid Map A as the Office Area , the Open Space, and the Heritage Precinct.

1.2 This amendment is deemed to be Part II of the Official Plan for the Yonge, Front, Bay and Wellington Lands, hereinafter referred to as the "Part II Lands."

1.3 The text and maps of Part I of the Official Plan continue to apply to the Part II Lands except in cases where the text and map of this amendment are in conflict therewith, in which case the text and maps of this amendment shall prevail.

2.0 GENERAL OBJECTIVES

2.1 It is the policy of Council to encourage the comprehensive redevelopment of the Part II Lands in accordance with the provisions of this Plan.

2.2 Council recognizes the unique significance of the enclave of designated historic buildings which survived the fire of 1904 and occupy the eastern portion of the Part II Lands. It is the objective of Council to retain the scale and character of this area and to protect the buildings within the Part II Lands, which are municipally known in the year 1987 as Nos. 30,36,38,40,42 and 44 Yonge Street, Nos. 1,5,7,9,11 and 15 Wellington Street West and No. 20 Front Street West, which are all designated by Council under the Ontario Heritage Act, and which are hereinafter referred to as the "designated historic buildings".

2.3 It is the policy of Council to seek the achievement of City housing goals in conjunction with new development on the Part II Lands.

2.4 It is the policy of Council to ensure the provision of appropriate public amenities, services and facilities in conjunction with new development on the Part II Lands.

2.5 In order to assist in the achievement of its major objectives for the Part II Lands, and pursuant to Section 36 of the Planning Act, 1983, Council may pass by-laws applicable to the Part II Lands to permit increases in the height and non-residential density of buildings and structures proposed to be erected and used on the Part II Lands, in excess of the heights and density otherwise permitted by this Plan, in return for the provision of facilities, services and matters as are set out in such by laws and secured through means of one or more agreements with the owners, to be registered on title to the Part II Lands. The increases in height and/or density permitted by by-laws passed in accordance with this Section are considered by Council to be appropriate only in conjunction with the provision of facilities, services and matters as set out in Sections 9.3 through 9.8 of this Plan.

3.0 STRUCTURE, FORM AND PHYSICAL AMENITIES

3.1 It is the policy of Council that, in the redevelopment of the Part II Lands, the major portion of new commercial development should be located within the Office Area and that the Heritage Precinct should be developed with buildings and public spaces sensitive to the design of the designated historic buildings thereon.

3.2 It is the policy of Council that the heights of buildings on the Part II Lands should reflect the transition in scale from the highrise buildings on Bay Street to the lower buildings east of Yonge Street. Accordingly, Council may pass bylaws to vary the height limits applied to the Part II Lands in order to achieve this.

3.3 In exercising its available powers of regulation, review and approval under the Planning Act, 1983 for the development of the Part II Lands, Council will have regard for the following objectives:

(a) The location and form of buildings should permit reasonable sunlight penetration to publicly accessible open spaces on the Part II Lands, the interior public space, daycare playareas and to the open space in Commerce Court to the north;

(b) The location and form of buildings should minimize adverse effects of wind in all exterior pedestrian areas, both on and off the Part II Lands;

(c) The location and form of buildings on the Part II Lands should maximize significant axial pedestrian views;

(d) New development adjacent to the designated historic buildings on the Part II Lands should be designed to respect the scale and form of the existing buildings. Highrise buildings within the Heritage Precinct should be sited to be compatible with adjacent designated historic buildings.

(e) Buildings should be sited in a manner which clearly defines the edges of streets, with setbacks and heights consistent with surrounding development;

(f) The edges of major open spaces should be defined by buildings and/or streets;

(g) Retail and service uses should generally be located adjacent to public sidewalks and pedestrian walkways;

(h) Interior and exterior space adjacent to the public sidewalk should generally be accessible directly at grade level without the use of stairs or steps;

(i) Buildings and all publicly accessible space should be made readily accessible to the handicapped; and

(j) Buildings should be energy efficient in their organization, materials and technology.

4.0 HERITAGE CONSERVATION

4.1 It is the policy of Council to seek the conservation, rehabilitation, restoration, maintenance, appropriate use and appropriate integration with new development of the designated historic buildings.

4.2 It is the policy of Council to seek to retain and enhance the designated historic buildings on the Part II Lands through appropriate integration with new development in order to physically complete the Heritage Precinct and create a lively public environment which will enhance the use of the buildings. Development in the Heritage Precinct should include infilling and restoration and may include relocation, where necessary, of historical elements to create continuous frontages along Wellington Street West, Yonge Street and Front Street West and around publicly accessible spaces within the Part II Lands. In addition, the Heritage Precinct should include a major climate-controlled accessible public space as a focus within the interior of the Part II Lands.

4.3 Council shall seek to provide public access to the significant interior of the designated historic building, municipally

known as No. 30 Yonge Street, hereinafter referred to as the "Bank of Montreal Building". Council shall seek to secure an appropriate use that enhances public access to the building and displays its significant interior space.

5.0 HOUSING GOALS

5.1 It is an objective of Council to achieve certain housing goals through the development of the Part II Lands without requiring the development of housing on such lands. Accordingly, Council shall seek to secure the provision of assisted housing on one or more appropriate sites in the Central Area in conjunction with the development of the Part II Lands. Council shall permit appropriate residential development within the Part II Lands provided such development is compatible with its goals of heritage conservation.

6.0 COMMUNITY SERVICES AND FACILITIES

6.1 Council shall seek to secure the provision of an appropriate fully equipped and furnished, non-profit workplace daycare centre in conjunction with the development of the Part II Lands.

7.0 TRANSPORTATION AND CIRCULATION

7.1 Council shall seek to ensure that new development on the Part II Lands will not impact negatively on the transportation system in the Central Area and will provide easy access to public transportation.

7.2 In exercising its available powers of regulation, review and approval under the Planning Act, 1983 for the development of the Part II Lands, Council will have regard for the following objectives:

(a) Vehicular access to new development on the Part II Lands should be consolidated on Front Street West or Wellington Street West;

(b) Direct access to public transportation from new buildings should be provided;

(c) Short term parking for courier and daycare use should be provided on the Part II Lands; and

(d) Adequate bicycle parking should be provided within the new development on the Part II Lands.

7.3 Council shall seek to secure appropriate publicly accessible through-block pedestrian routes in both north/south and east/west directions.

7.4 Council shall seek to secure a below grade publicly accessible pedestrian walkway through the Part II Lands with appropriate connections to Union Station, Royal Bank Plaza and Commerce Court.

8.0 OPEN SPACE AND PEDESTRIAN AREAS

8.1 It is the policy of Council that an interesting and varied pedestrian environment be developed along public streets, publicly accessible walkways and open spaces throughout the Part II Lands.

8.2 It is the policy of Council to encourage the development of a high quality, landscaped, publicly accessible, common outdoor space of not less than 1500 square metres on the Part II Lands in the area designated as Open Space on the aforesaid Map A. Accordingly, Council shall seek to secure the provision and public accessibility of such open space by means of an appropriate agreement, to be registered on title.

8.3 It is the policy of Council to seek the provision of works of art in the publicly accessible portions of new development on the Part II Lands.

8.4 In exercising its available powers of regulation, review and approval under the Planning Act, 1983 for the development of the Part II Lands, Council will have regard for the following objectives:

(a) Sidewalks within the public street allowance, pedestrian walkways and open spaces within new development should be designed with appropriate landscaping, furnishings, pedestrian scale lighting and surface treatments while maintaining adequate clear widths to accommodate typical pedestrian flows;

(b) A satisfactory noise environment should be achieved in publicly accessible open spaces or enclosed areas;

(c) Pedestrian routes should be continuous and clear in both organization and visibility;

(d) Principal pedestrian routes should provide shelter from adverse weather conditions through the provision of canopies or arcades, in particular along Bay Street and appropriate portions of Front Street West; and

(e) Public art provided under Section 8.3 of this Plan should be integrated with the design of the publicly accessible spaces through an appropriate public art program.

9.0 DENSITY

9.1 The provisions of Section 3A.4(b) of Part I of the Official Plan and all other provisions of Part I of the Official Plan which may alter the commercial, institutional or residential densities permitted by Section 3A.4, apply to the Part II Lands.

9.2 Notwithstanding Section 9.1 of this Plan, and in accordance with Section 2.5, Council may pass by-laws to increase the maximum aggregate non-residential density permitted by Part I of the Official Plan for the Part II Lands in accordance with the provisions of Sections 9.3 to 9.8 inclusive, of this Plan, provided:

(a) the aggregate of the non-residential density permitted on the Part II Lands, including:

i) any non-residential density permitted by Section 1A.35 of Part I of the Official Plan; and

ii) any non-residential gross floor area permitted to be excluded from the calculation of the maximum permissible density of new development by Section 1A.42 of Part I of the Official Plan, but not including non-residential gross floor area used for publicly accessible walkways,

does not exceed 12.0 times the area of the Part II Lands;

(b) the number of dwelling units permitted on the Part II Lands by Section 3A.4(b) of Part I of the Official Plan, which is herein deemed to be 872 dwelling units, is reduced by one dwelling unit for every 100 square metres of nonresidential gross floor area erected or used on the Part II Lands in excess of that permitted under Part I of the Official Plan;

(c) all of the designated historic buildings located on the Part II Lands or the significant portions of all such buildings are maintained and conserved in a manner which respects their quality and character; and

(d) where a portion of a designated historic building referred to in Section 9.2(c) is retained, such portion

contains those features identified by Council as having historical and/or architectural significance;

(e) works of art are provided in publicly accessible portions of the Part II Lands, with a total value of at least 1% of the value of new construction on the Part II Lands.

9.3 In order to assist in the realization of the objectives set out in Sections 2.2 and 4.2 of this Plan, and subject to Section 9.2 of this Plan, Council may pass by-laws to increase the non-residential density permitted by Section 9.1 of this Plan by up to 38 700 square metres, including any gross floor area permitted to be excluded from the calculation of the maximum permissible density by Section 1A.42 of Part I of the Official Plan, provided:

(a) all of the designated historic buildings or all of the significant portions of such buildings are restored and conserved in a manner which respects their quality and character;

(b) Council is satisfied that adequate facilities are to be provided and measures are to be taken to physically complete and enhance the Historical Precinct in accordance with Section 4.2 of this Plan;

(c) the public space which provides the focus for the Historical Precinct as identified in Section 4.2 of this plan, is accessible to the public, climate - controlled for year-round use and includes a minimum of 1650 square metres of interior space; and

(d) the retention, restoration, conservation, relocation and maintenance of all such designated historic buildings or portions thereof and the construction, use, maintenance and public accessibility of the interior public space in the Heritage Precinct are secured through one or more appropriate agreements, to be registered on title.

9.4 In order to assist in the realization of the objectives set out in Sections 2.2, 4.2 and 4.3 of this Plan and subject to Section 9.2 of this Plan, Council may pass by-laws to increase the non-residential density permitted by Section 9.1 of this Plan by up to 18 060 square metres in exchange for the leasing of the Bank of Montreal Building together with adjacent new space constructed in a manner which integrates it with the Bank of Montreal Building for a continuous period in aggregate of 99 years and free of net rent, to one or more appropriate non-profit organizations for the purpose of providing a publicly accessible cultural or institutional use which

displays the interior of the aforesaid historic Bank of Montreal Building, provided:

(a) the increased non-residential gross floor area permitted in this Section does not exceed 6 times the total floor area of the Bank of Montreal Building, plus 3 times the area of the new space constructed immediately adjacent to the Bank of Montreal Building;

(b) the provisions of Section 1A.35 of Part I of the Official Plan will not apply to the Bank of Montreal Building or the immediately adjacent new space except for the purposes of calculating the reduction in the number of dwelling units pursuant to Section 9.2 of this Plan; and

(c) the matters which are the subject of this Section are secured through one or more appropriate agreements, to be registered on title.

9.5 In order to assist in the realization of the objectives set out in Section 2.3 and 5.1 of this Plan, and subject to Section 9.2 of this Plan, the non-residential density permitted by Section 9.1 of this Plan may be increased by up to 43,630 square metres in exchange for the conveyance to the City of one or more sites within the Central Area, and/or an equivalent cash payment in lieu of the provision of one or more sites, to be used for assisted housing purposes, provided:

(a) any site or sites proposed to be conveyed are acceptable to Council;

(b) the increased non-residential gross floor area does not exceed the product of 56 square metres multiplied by the aggregate of: the number of conventional assisted housing units which are permitted on the assisted housing site or sites by the Official Plan; and the number of conventional assisted housing units for which the cash equivalent of a site or sites is provided to the City;

(c) in the case of an assisted housing site which is within an area designated Mixed Commercial-Residential Area, the number of assisted housing units which may be developed on the site in accordance with the Official Plan for the purposes of Section 9.5(b), is based on residential density calculated in units per hectare; and (d) the conveyance of one or more assisted housing sites and/or the provision of any cash payment in lieu thereof has been secured through one or more agreements, to be registered on title.

9.6 Notwithstanding the provisions of Section 9.5(b) of this Plan, where a site to be conveyed to the City is designated by the Official Plan to permit non-residential density in addition to the maximum residential density permitted on the site by Part I of the Official Plan, each 100 square metres of such residual non-residential density may be deemed to be equivalent to a conventional assisted housing unit for the purposes of Section 9.5(b) of this Plan.

9.7 In order to implement Section 6.1 of this Plan and subject to Section 9.2 of this Plan, Council may pass by-laws to increase the non-residential gross floor area permitted by Part I of the Official Plan by up to 2856 square metres in return for the provision of a fully equipped and furnished, non-profit workplace daycare facility on the Part II Lands, for a term of up to 99 years and not less than 25 years, free of all rent, building operating expenses and municipal taxes, provided:

(a) the non-profit daycare facility has a gross floor area of at least 530 square metres and an outdoor play area of at least 350 square metres; and

(b) the provisions of Section 1A.35 of Part I of the Official Plan will not apply to the daycare facility except for the purposes of calculating the reduction in the number of dwelling units pursuant to Section 9.2 of this Plan; and

(c) the construction, startup costs, provision of equipment and continuous operation of the non-profit daycare facility are secured through an appropriate agreement, to be registered on title.

9.8 In order to implement Section 7.4 of this Plan and subject to Section 9.2 of this Plan, Council may pass by-laws to increase the non-residential density permitted by Part I of the Official Plan by up to 2335 square metres in return for the provision of a below grade public pedestrian connection between Union Station, the Union subway station, the southerly limit of Wellington Street West and new development erected on the Part II Lands, provided the provision and use of such pedestrian connection is secured in an appropriate agreement, to be registered on title.

APPENDIX B

DRAFT BY-LAW NO. 2

NO. A BY-LAW

To amend By-law No. 438-86 respecting certain lands bounded by Yonge Street, Front Street West, Bay Street and Wellington Street West.

1. This By-law applies to the lands comprising Area "A", Area "B", Area "C" and Area "D" shown bounded by heavy lines on Map A attached hereto and forming part of this By-law and hereinafter collectively referred to as the "Yonge, Front, Bay and Wellington Lands".

2. Except as otherwise provided herein, the provisions of By-law 438-86, being "A By-law To regulate the use of land and the erection, use, bulk, height, spacing of and other matters relating to buildings and structures and to prohibit certain uses of lands and the erection and use of certain buildings and structures in various areas of the City of Toronto", as amended, shall continue to apply to the lands to which this By-law applies.

3. Notwithstanding the definition of the term "lot" in Section 2, and Section 4(15) of the aforesaid By-law No. 438-86, for the purposes of this By-law the Yonge, Front, Bay and Wellington Lands shall be deemed to be one lot regardless of whether or not two or more buildings or structures are erected or to be erected on any part or parts thereof and regardless of any conveyances or easements made or granted after the date this By-law comes into force.

4. Notwithstanding the provisions of Section 2(1) defining the term "street-related retail and service uses", Section 4(2), Sections 8(3) Part I 1,2, 3, 7, 11, 12 and 16, and 8(3) Part II 5 of the aforesaid By-law 438-86, as amended, and subject to Section 5 herein, the erection or use on the Yonge, Front, Bay and Wellington Lands of one or more buildings or structures which contain exclusively non-residential gross floor area, exclusively dwelling units or a combination of non-residential gross floor area and dwelling units is permitted, provided:

(1) the aggregate amount of the non-residential gross floor area erected or used on the Yonge, Front, Bay and Wellington Lands exclusive of public pedestrian walkways, does not exceed 259 447.4 square metres of which:

(a) not more than 125 000 square metres is erected or used on the lands comprising Area "A" shown on the aforesaid Map A;

(b) not more than 135 000 square metres is erected or used on the lands comprising Area "B" shown on the aforesaid Map A;

(c) not more than 14 650 square metres is erected or used on the lands comprising Area "C" shown on the aforesaid Map A; and

(d) not more than 27 000 square metres is erected or used on the lands comprising Area "D" shown on the aforesaid Map A;

(2) not more than 305 dwelling units comprising not more than 30 500 square metres of residential gross floor area are erected or used on the Yonge, Front, Bay and Wellington Lands;

(3) no enclosed portion of any building or structure erected or used on the Yonge, Front, Bay and Wellington Lands is located above the height limit shown on Map B attached hereto and forming part of this By-law;

(4) the buildings erected or used on the Yonge, Front, Bay and Wellington Lands contain street-related retail and service uses facing a minimum aggregate length of:

(a) 62 metres of frontage on the aforesaid Area A;

(b) 85 metres of frontage on the aforesaid Area B;

(c) 16 metres of frontage on the aforesaid Area C; and

(d) 147 metres of frontage on the aforesaid Area D;

(5) the owners of the Yonge, Front, Bay and Wellington Lands, at their expense and in accordance with the agreements referred to in Section 4(6) herein:

(a) maintain, restore and conserve the buildings located on the Yonge, Front, Bay and Wellington Lands and known municipally in the year 1987 as No. 30 Yonge Street, hereinafter referred to as the Bank of Montreal Building, and No. 20 Front Street West;

(b) maintain, restore and conserve the buildings or facades of buildings located on the Yonge, Front,

Bay and Wellington Lands and known municipally in the year 1987 as Nos. 36, 38, 40, 42 and 44 Yonge Street and Nos. 1, 5, 7 and 9 Wellington Street West;

(c) maintain, restore and conserve the buildings or facades of buildings located on the Yonge, Front, Bay and Wellington Lands and known municipally in the year 1987 as Nos. 11 and 15 Wellington Street West, which buildings or facades of buildings may be relocated within the Yonge, Front, Bay and Wellington Lands;

(d) provide, through one or more leases, not less than 4645 square metres of non-residential gross floor area within and immediately adjacent to the Bank of Montreal Building, of which not less than 1374 square metres is within the Bank of Montreal Building, for a term of 99 years, for an annual net rent not exceeding the sum of two dollars, for cultural or institutional uses and such other uses as are accessory thereto;

(e) provide and maintain on the Yonge, Front, Bay and Wellington Lands a publicly accessible, climate controlled, interior space of not less than 1650 square metres in size and having a clear height of not less than 15 metres, for use as a public recreation space and public pedestrian walkway, provided that not less than 1500 square metres of such space is located within the aforesaid Area D;

(f) provide on the lands comprising the aforesaid Area A and as part of the space required pursuant to Section 8(3) Part III 3 of the aforesaid By-law 438-86, a common outdoor space including landscaping, accessible to the public, of not less than 1500 square metres and having no dimension less than 28 metres;

(g) convey to the City for a nominal consideration, the lands hereinafter described, for the purpose of providing assisted housing in the City of Toronto:

In the City of Toronto, in the Municipality of Metropolitan Toronto, being composed of Lots 1, 2, 3 and 4 and the Lane on Registered Plan 488, Lots 10 and 13 and Part of Lots 11 and 12 on Registered Plan 10-A and Lots 1, 2, 3 and 4 on Registered Plan 12-E, all of which are designated as PARTS 1 to 9

inclusive on a plan of survey deposited in the Land Registry Office for the Registry Division of Toronto (No. 63) as Plan 63R-3947;

(h) pay to the City the sum of $2,800,000.00 in cash or secured by a letter of credit for the purpose of providing assisted housing in the City of Toronto;

(i) provide and maintain on the Yonge, Front, Bay and Wellington Lands, for a term of not less than 25 years and up to 99 years at a nominal rent, a fully equipped and furnished non-profit workplace daycare centre, including start up costs, free of operating expenses and municipal taxes, and having an interior non-residential gross floor area of not less than 530 square metres and an outdoor play area of not less than 350 square metres for the exclusive use of such daycare centre; and

(j) provide and maintain one or more works of art in publicly accessible portions of the Yonge, Front, Bay and Wellington Lands of a value not less than one per cent of the cost of construction of all buildings and structures erected on such lands on or after November 1, 1987, provided that all such costs related to:

(i) the restoration of the buildings described in Sections 4(5)(a), (b) and (c),

(ii) the public pedestrian walkways on such lands,

(iii) the space referred to in Section 4(5)(d), and

(iv) the daycare centre referred to in Section 4(5)(i)

shall not be included in such valuation;

(6) the owners of the Yonge, Front, Bay and Wellington Lands enter into one or more agreements with the City pursuant to Section 36 of the Planning Act, 1983 and pursuant to Section 37 of the Ontario Heritage Act, R.S.O. 1980, c. 337 to secure the facilities, services and matters referred to in Section 4(5) herein and consent to such agreements being registered on title to the Yonge, Front, Bay and Wellington Lands; and

(7) the buildings referred to in Section 4(5)(a) and the buildings and/or facades of buildings referred to in

Sections 4(5)(b) and (c) continue to be erected, provided that if any one or more of such buildings or a facade of such building is destroyed or irreparably damaged by fire, explosion or other act of God after the completion of restoration of such building(s) and/or facade(s) required pursuant to Sections 4(5)(a), (b) and (c), it shall nevertheless be deemed to continue to be erected whether or not in fact the building or facade that has been destroyed or irreparably damaged is reconstructed or replaced.

5. The non-residential gross floor area permitted by this by-law on the Yonge, Front, Bay and Wellington Lands shall be increased by 2335 square metres, provided that the owners of such lands:

(1) construct and maintain at their expense and in accordance with the agreement referred to in Section 5(2) herein:

(a) a below grade tunnel containing a public pedestrian walkway connecting the lands upon which Union Station is erected and the north side of the Union Subway Station to one or more buildings erected on the Yonge, Front, Bay and Wellington Lands, and

(b) a below grade continuous public pedestrian route extending from Union Station northerly, through the Yonge, Front, Bay and Wellington Lands to the southerly limit of Wellington Street West, and

accessible to the public during the hours of operation of the Yonge Street Subway Line; and

(2) comply with the provisions of Section 4 herein; and

(3) enter into an agreement with the City pursuant to Section 36 of the Planning Act, 1983, to secure the facilities, services and matters referred to in clause (1) herein and consent to such agreement being registered on title to the Yonge, Front, Bay and Wellington Lands;

6. Notwithstanding Section 8(1) of the aforesaid By-law 438-86:

(1) no part of any building or structure erected on the lands comprising the aforesaid Area A which part is located more than 137 metres above grade, and

(2) not more than 95 600 square metres of non-residential gross floor area on the Yonge, Front, Bay and Wellington Lands,

shall be used for any purpose other than community services and facilities until the restoration of both of the buildings identified in Section 4(5)(a) has been completed in accordance with the agreements referred to in Section 4(6).

7. Notwithstanding Section 8(1) of the aforesaid By-law 438-86 and subject to Section 6 herein:

(1) no part of any building or structure erected on the lands comprising the aforesaid Area B which part is located more than 137 metres above grade, and

(2) not more than 53 000 square metres of non-residential gross floor area on the lands comprising Area B,

shall be used for any purpose other than community services and facilities, until the restoration of all buildings identified in Sections 4(5)(a), (b) and (c) has been completed in accordance with the agreements referred to in Section 4(6) and the construction of the space referred to in Section 4(5)(d) has been completed.

8. For the purposes of this By-law the term

(a) "art" includes works of plastic art, works of graphic art, sculptured landscaping, fountains, and artistic treatment of exterior walls of buildings or other building elements clearly visible at all times from public areas, including flooring, structure, lighting and furnishings, provided such elements or works have been designed by or in collaboration with artists;

(b) "assisted housing" means housing that is sponsored or financially supported under a government program that is intended to meet the housing needs of primarily low-to-moderate households;

(c) "community services and facilities" means those uses permitted under that heading and within a CR district pursuant to Section 8(1) of the aforesaid By-law 438-86;

(d) "cultural or institutional uses" means facilities and services provided for the use of the public or a particular segment of the public on a non-profit basis including activities related to the arts, history, literature, music, theatre, sports or athletics, the sciences, displays, exhibits,

lectures, public meeting facilities, archives, museums or libraries;

(e) "facade" means those faces or elevations of a building which are visible from and face the public street or streets on which such building fronts, including exterior steps and railings;

(f) "frontage" means a lot line or part thereof that is also the limit of a street allowance more than six metres in width;

(g) "grade" means the level which is located at 82 metres above the Canadian Geodetic Datum;

(h) "height limit" means the level above grade for each Parcel shown on the aforesaid Map B;

(i) "public pedestrian walkway" means a pedestrian walkway that:

(i) is designed and intended for and is used by the public;

(ii) provides direct access between streets, parks, public buildings, and/or other public spaces or between such space and a similar walkway in an adjacent building, a common outdoor space or a T.T.C. subway station;

(iii) is within five metres of grade;

(iv) is no narrower than three metres at any point; and

(v) is not used for commercial purposes, including hotel lobbies, retail areas, commercial display areas or other rentable space; and

(j) "street-related retail and service uses" means one or more of the shops or stores referred to in the definition of "street-related retail and service uses" in Section 2(1) of the aforesaid By-law 438-86 provided:

(i) the primary entrance to any such shop or store is located in the exterior wall of a building and is directly accessible by pedestrians walking along a route having a distance of not more than 12 metres

from a lot line that is also the limit of a street allowance; and

(ii) the primary entrance to any such shop or store and to the main floor is directly accessible to the sidewalk by means other than one or more steps or is directly accessible by a ramp inclined at a slope not exceeding two percent to the horizontal plane.

APPENDIX C

COMMENTS FROM CIVIC OFFICIALS

1. Comments of the Commissioner of Buildings and Inspections dated October 7, 1986.

"Zoning

Proposed Use: Retail store, day nursery and office building

Designation: CR L8 U400 Map No.: 50G-323

Plans: Prepared by Bregman and Hammann and received by the Commissioner of Planning and Development on April 9, 1987. As revised September 2, 1987 and September 9, 1987.

Submitted data and information indicate that the proposal does not comply with the Zoning By-law in the following way(s):

1. The proposed height of 285.6 metres above grade exceeds the permitted 137.2 metres by 148.4 metres (S. 4(2)(a)).

2. The proposed six type 'C' loading spaces are deficient of the minimum required seven by one (S. 4(8)).

3. Each of the three buildings is to be assigned its own parcel of land along with revised data for further examination or, alternatively, the site should be considered to have one building notwithstanding there is not a common basement throughout (s. 2(1)Lot).

4. The proposed non residential gross floor area of 261,768 square metres exceeds the permitted 8.0 times the lot by 87,258 square metres (S. 8(3)PART I 1(a)).

5. The proposed street related retail and service uses along Bay St. are located more than 5.0 metres from the property line (S. 2(1) Street related retail and service uses).

6. The main floor of the building is more than 0.2 metres above the sidewalk along Front St. W. opposite the buildings primary entrance (S. 8(3)PART XI 3(1)).

7. The Front St. W. primary entrance is accessible by other than a ramp having a maximum slope of 2.0 percent (S. 8(3)PART XI 3(3)).

8. Portion of the development will be located on the lands comprising the rear of 22 Front St. W. The alienation of such lands from the parcel of land comprising 22 Front St. W. will contravene the provisions of Sections 4(15)(a)), 4(15)(b) and 4(13).

NOTE 1: This report is based on the following assumptions:

1. The development will comprise for the purposes of the Zoning By-law one building.

2. The laneway and all reserve strips and rights of way are extinguished. (NOTE: The proposed non residential gross floor area and /or site area will change upon resolution of item 8 of this report).

NOTE 2: The "phasing" of the development should be incorporated into the future By-law and all agreements.

Building Code

The issuance of the building permit(s) will be conditional upon the proposal's full compliance with all relevant provisions and requirements of the Ontario Building Code."

2. Comments and recommendations of the Commissioner of Public Works dated October 15, 1987.

"The site includes all of the lands in the block bounded by Front Street West, Bay Street, Wellington Street West and Yonge Street.

The proposal is to construct:

(a) a 52-storey office tower at the north-east corner of Bay Street and Front Street West;

(b) a 42-storey office tower on the south side of Wellington Street West, approximately mid-block between Bay Street and Yonge Street; and

(c) a 4- to 6-storey podium joining the office towers and integrating the existing historic buildings in the block into the project.

The project will contain some 223 600 square metres of office space and 22 700 square metres of retail space. Construction will take place in two phases. Phase I consists of the

southern portion of the site. Phase II consists of the northern portion. Parking is proposed in a 1,660-space underground garage with access off Front Street West and Wellington Street West.

This application supersedes Development Review Application No. 385106 which was previously submitted for the office tower at the north-east corner of Bay Street and Front Street West.

Refuse Handling, Storage and Disposal

The City will provide the retail and restaurant components of the project with regular curbside garbage collection service in accordance with the provisions of By-law No. 20298. The owner should be required to provide and maintain garbage storage areas in accordance with Recommendation Nos. 4 and 5, below.

Garbage emanating from the office component of the project will far exceed the limits of By-law No. 20298 and it will be necessary for this component of the project to be serviced by a private garbage collection firm.

Streets, Parking and Access

The site abuts Yonge Street, which is under the jurisdiction of the Metropolitan Corporation, Bay Street, Wellington Street West and Front Street West, which are under the City's jurisdiction.

The proposal includes the planting of trees and the installation of decorative paving within the limits of the abutting streets. This will require the submission of a separate application to my Department.

The site incorporates the public lane 36 m east of Bay Street, extending southerly from Wellington Street West. An application for the closing is currently being processed in accordance with the provisions of the Municipal Act.

The proposal includes the construction of pedestrian tunnels to the south under Front Street West to Union Station and to the north under Wellington Street West to Commerce Court. I consider the pedestrian connection to Union Station to be essential and it should be constructed to coincide with the completion of the office tower at the north-east corner of Bay Street and Front Street West.

On the basis of the information available, the provision of 1,660 parking spaces (720 spaces in Phase I and 940 spaces in

Phase II) will be satisfactory to meet the anticipated parking demand of the project and will fall within the range of parking (minimum to maximum) permitted by the Zoning By-law.

The layout of the parking spaces and circulation system in the underground garage is satisfactory.

A total of 1 Type A, 5 Type B and 7 Type C loading spaces are proposed to serve the entire project (Phases I and II) in an underground loading area with access off Front Street West. This will satisfy both the anticipated demand and the minimum Zoning By-law requirement for the entire project, although Phase I will be deficient by a Type A loading space until Phase II is complete. The layout of the loading spaces is satisfactory.

Widening of Bay Street

In consideration of the one-way street system in the area, the median on Front Street West, the anticipated future traffic growth in the core of the City and the increase in traffic that will be generated by the BCE Place development, I have concluded that a southbound left turn lane should be implemented at the intersection of Bay Street and Front Street West. In order to accommodate this improvement, the Bay Street road allowance must be widened north of Front Street West and a conveyance is required from the project as described in Recommendation No. 9, below. The conveyance may be subject to below grade rights in favour of the Grantor to a depth not less than 1.2 m for the purpose of constructing the underground garage.

Transportation/Traffic Report

Recommendation No. 4 in your preliminary report of April 2, 1987, as adopted by the Land Use Committee, required the owner to submit, among other things, a transportation study for the project. I am currently reviewing the study and will submit a separate report on this matter.

Registration of Lands

Experience has shown that there are benefits to both the City and the developer if the lands comprising complex projects such as this one are registered under the Land Titles Act, especially in view of the number of agreements that may be entered into. At present, only the lands at the north-west corner of the site are registered under the Act. The owner should be asked to consider registering all of the lands under the Land Titles Act.

Recommendations:

I recommend that the owner be required to:

1. Submit a Noise Impact Statement in accordance with City Council's requirements prior to the introduction of a bill in Council;

2. Construct the project in accordance with the Noise Impact Statement approved by the Commissioner of Public Works;

3. Provide space within the development for the construction of transformer vaults, Hydro and Bell manholes and sewer manholes required in connection with the development;

4. Provide and maintain a garbage storage area at least 1 cubic metre in size in each retail store established, if City garbage collection service is requested;

5. Provide and maintain a separate garbage storage area in each restaurant established, if City garbage collection service is requested;

6. Construct the pedestrian tunnel from the project under Front Street West to Union Station to coincide with completion of the office tower at the north-east corner of Bay Street and Front Street West;

7. Provide and maintain 3 Type B and 5 Type C loading spaces in Phase I of the project and 1 Type A, 2 Type B and 2 Type C loading spaces in Phase II of the project;

8. Obtain revised municipal numbering from the Department of Public Works prior to filing a formal application for a building permit;

9. Convey to the City, at nominal cost:

   (a) a 3 m wide strip of land abutting the east limit of Bay Street from Front Street West to a point 31.5 m north of Front Street West; and

   (b) a triangular strip of land abutting the east limit of Bay Street having a width of 3 m at a point 31.5 m north of Front Street West and tapering to a width of 0 m at a point 81.5 m north of Front Street West;

   such lands to be free of all encumbrances and subject to below grade rights in favour of the Grantor to a depth

not less than 1.2 m below finished grade for the purpose of constructing an underground garage and subject to a right-of-way for access purposes in favour of the Grantor until such time as the said lands have been laid out and dedicated for public highway purposes;

10. Provide all legal descriptions and Reference Plans of Survey, in metric units and integrated with the Ontario Co-ordinate System, that will be required in connection with the project;

11. Submit to the Commissioner of Public Works, prior to the introduction of a bill in Council, dimensioned plans showing the building envelopes for the purpose of preparing site specific exemption by-laws; and

12. Consider the benefits of registering all of the lands under the Land Titles Act."

3. Comments of the Commissioner of Public Works dated October 29, 1987.

"The transportation impact study report dated October 14, 1987, prepared by the IBI Group, assesses the transportation implications of the proposed BCE Place development by analyzing the potential impacts on local traffic operations and the public transit system, including pedestrian routes. The report also reviews the vehicular access and the parking and loading requirements for the project. Further, the implications of the development on the broader Metropolitan/regional transportation systems and the Central Area were also investigated.

The transportation analysis was based on a development concept with a gross floor area of approximately 261 780 square metres with rentable areas of approximately 222 000 square metres of office and 18 500 square metres of retail space. The total proposed floor area ratio is about 12 times the site area.

1. Local Traffic Impacts

The local traffic impacts of the BCE Place traffic were analyzed on the basis of an estimate of peak hour (a.m. and p.m.) trips generated using conventional assumptions in a "marginal traffic analysis" for factors such as floor space/worker, peaking, car occupancy, modal split, etc., and another estimate of peak hour trips generated on the basis of the total parking supply in the project,

which in this case was assumed to be about 1,900. In this regard, I would advise that, in my report of October 15, 1987, the parking supply indicated on the plans which I reviewed was about 1,660 spaces.

The peak hour generation based on parking supply yielded the highest volumes and these were used in the traffic analysis. Given the aforementioned difference in the assumed versus the more current proposed parking supply and the use of peaking characteristics based on parking supply, I consider the traffic analysis to be conservative.

On the basis of the above, it was estimated that the a.m. peak hour would attract about 1,000 autos to the site while in the p.m. peak hour about 720 autos were assumed to exit the site while about 265 autos entered. The traffic assignments to the road network were done assuming no major road improvements (e.g. Front Street Extension, Gardiner Widening) and included increases in existing traffic volumes to account for the other major developments that will be coming "on stream" within the proposed timeframe of the BCE Place development.

In addition to the four key intersections of Bay/Front, Bay/Wellington, Yonge/Front and Yonge/Wellington, 13 other area intersections were analyzed. The overall intersection operations, as well as the critical movements for existing conditions and with the BCE development in place, were determined. An assessment of the volume to capacity ratios which give an indicati · of the acceptability of operation was also calculated.

Two access options were considered on the analysis. The first option assumed that the Front Street median would remain and all movements from the Front Street access driveway (located approximately 27 m from Yonge Street) would be right-in and right-out only with this access being augmented by the access driveway off Wellington Street which, due to its one-way westbound operation, would require left-in left-out movements only. The second option assumed a break in the landscaped median along Front Street to allow eastbound left turns in front Front Street and left turns out of the development site.

I concur in the analysis conclusions that the BCE Place traffic can be accommodated on the local road network under either access Option 1 or 2. While the local and area intersections can accommodate the projected future traffic volumes (including BCE Place), there will be some

delays and heavy turning movements at the intersections in the area. However, it must be stressed that these conditions are attributable to the total development in the Central Area of which BCE Place is but one contributor.

Notwithstanding that both access options are feasible and operational, I would not recommend the implementation of Option 2 at this time because its need is not warranted presently. Furthermore, it will have a negative impact on the wide landscaped median along Front Street and could result in weaving conditions due to outbound left turns moving to the far right hand eastbound lane on Front Street (less than 90 feet (27 m) from this intersection) to head south to access the regional expressway system.

During the review of the transportation impact study, consideration was also given to the possibility of making Front Street West one-way eastbound from Yonge Street (where it currently is one-way E/B) to possibly Bay Street or beyond. In this way a one-way pair with Wellington Street could be created to facilitate access to the site. However, this type of initiative is not warranted at this time and must be viewed as a long term consideration whose potential requires extensive monitoring of existing traffic flows and more detail study regarding potential impacts on local and area access as development continues to grow in the Central Area.

Given the above, I recommend that access Option 1 be approved for implementation with this development. However, in consideration of the one-way street system in the area, the landscaped median on Front Street West, the anticipated future traffic growth in the core of the City and the increases in area traffic due to the BCE Place development, a southbound (S/B) to eastbound (E/B) left turn lane should be implemented at the intersection of Bay Street and Front Street in accordance with Recommendation No. 9 of my October 15, 1987, report to you. The creation of this S/B to E/B left turn will also permit the development of an opposing northbound (N/B) to westbound (W/B) left turn lane at this location. The analysis of this intersection indicated that the traffic flow would be materially improved with these improvements.

In summary, I am in general agreement with the Consultant's summary of vehicular operations and the

forecast of the traffic impact of the project on the local street system, including the conclusion that the proposed access arrangements (Option 1) can satisfy the needs of the development. The only further enhancement required within the proposed timeframe of the development, to facilitate both development and area traffic given these proposed access arrangements, is the introduction of a S/B to E/B and N/B to W/B left turns at the intersection of Bay Street and Front Street. I acknowledge that there will be some congestion points in the surrounding road system particularly at the intersections accessing the Gardiner Expressway/Lake Shore Boulevard to and from the west, however these will be within acceptable operating limits.

Some regional transportation improvements like the Front Street Extension and Gardiner Expressway Widening are being planned to alleviate some of the congestion anticipated in the near future. In my view, these traffic problems are due more to the total traffic growth in the Central Area (C.A.) than the BCE Place development. Any such improvements can only increase the road capacity to the C.A., generate improvement to the overall traffic distribution and operations in the area and assist in providing better access to the BCE Place development and other C.A. projects.

2. Public Transit and Pedestrian Routes

It is estimated that approximately 1,735 person trips by subway, 290 TTC surface transit rides and 685 transit rides will be generated by the proposed development during the peak hour.

The location of BCE Place is convenient to both the Yonge and University subways and, therefore, is capable of stimulating a higher transit modal split. The above noted demand when added to the a.m. peak hour subway ridership and the estimated riders from other future developments can be accommodated. In fact this demand will not bring the peak ridership levels back to those experienced in 1981.

The anticipated surface transit ridership projected for BCE Place when added to the anticipated surface transit ridership from other C.A. developments exceeds the peak 1981 ridership levels. These demands can be accommodated by appropriate adjustments to the service levels of the surface transit system.

Given the announced and proposed improvements to the GO Transit system, the expected GO Transit ridership from BCE Place and the other C.A. developments can be accommodated. Further, the recent projections of future travel increases to the C.A. indicate that the majority of this demand will come from outside the Metropolitan area; a market that has been satisfied by GO Transit in the recent past and is likely to continue to be satisfied within the timeframe of this development.

A critical component for ensuring the above transit utilization is related to good efficient pedestrian connections between the site and these transit systems. To this end the BCE Place will include an extension of the underground pedestrian system to both Union Station (for subway and GO) and to the King Subway Station via the Melinda Street entrance.

I consider the proposed construction of pedestrian tunnels to the south under Front Street West to Union Station and to the north under Wellington Street West to Commerce Court two essential additions to the City's pedestrian system. As indicated in my report of October 15, 1987, to you (Recommendation No. 6), the connection to Union Station should be constructed to coincide with the completion of the office tower at the north-east corner of Bay Street and Front Street West.

In addition to the enhanced connections to the subway and GO Transit systems, the BCE Place development will be the first element in the creation of a new north-south pedestrian route from Union Station to the Eaton Centre. This can only aid in relieving the pressures on the existing north-south route west of Bay Street and also assist in the redistribution of pedestrian flows in the C.A. and especially into the subway and GO Transit systems.

3. Parking and Loading Requirements

These matters were dealt with in my report dated October 15, 1987.

4. Summary:

The Consultant's report has concluded that:

1. The local transportation infrastructure will accommodate the peak hour traffic generated by BCE Place;

2. BCE Place will significantly improve the pedestrian network in the downtown area through the extension of both the underground and surface mall/corridor systems;

3. The pedestrian system improvements will enhance transit accessibility to the eastern part of the Financial District;

4. The truck [illegible] courier facilities proposed for BCE Place will place these disruptive on-street activities underground; and

5. The accessibility of BCE Place to the existing and proposed transit infrastructure system available near the site should encourage a higher transit modal split than sites outside the Central Area.

I am in agreement with the foregoing conclusions."

4. Letter from Commissioner of Public Works dated November 9, 1987.

"I refer to your letter of October 29, 1987, with respect to the parking and loading requirements that should apply if 305 to 428 residential units are added to the above noted project.

Both the parking demand and the zoning By-law requirement for the residential component of the project will depend on the number of bedrooms included in each unit. Assuming the units will be primarily 1-and 2-bedroom units, the proposed parking supply (1,160 parking spaces) will be sufficient to meet the estimated parking demand and the Zoning By-law requirement for both the residential and commercial components of the project.

The proposed loading facilities (1 Type A, 5 Type B and 7 Type C loading spaces) will be adequate to meet the loading demand and the Zoning By-law requirement for both components of the project provided one of the Type A or B loading spaces is modified to meet the dimensional requirements of a Type G loading space."

5. Letter from the Managing Director, Toronto Historical Board dated September 14, 1987.

"Comments regarding this application were requested in your letter of September 2, 1987, with accompanying drawings prepared by Bregman and Hamann, dated August 4, 1987.

This application affects the properties at 30-46 Yonge Street, 1-15 Wellington Street West and 20 Front St. West which are included on the City's Inventory of Buildings of Architectural and Historical Importance, and designated under Part IV of the Ontario Heritage Act by By-law Nos. 256-76, 524-76, 605-83, 604-83, 603-83, 602-83 and 515-75.

At a special meeting of the Toronto Historical Board held on September 1, 1987, a presentation of the proposed development was given by representatives of Bell Canada Enterprises and their architects with special emphasis on preservation of the heritage buildings on the site.

Various drawings showing plans and elevations, as well as a model of the historical precinct were viewed by members of the Toronto Historical Board. Discussion centred on issues affecting the heritage buildings such as the proposed move of the Commercial Bank (Clarkson Gordon) building from its original site at 15 Wellington St. West to a new location within the historical precinct, signage, type of paving in "Heritage Square", the consistency of and reinterpretation of the various existing facades, infill buildings, height, scale and materials. It was felt that more stone might be incorporated into details of infill buildings and that retention of some of the existing brick could assist in achieving an appropriate sense of history and architecture in the new structures and spaces. It was noted that most of the heritage preservation would not occur until the proposed second phase. Careful attention to physical conservation of the heritage buildings during this period is essential and it is hoped that the heritage work of the second phase should proceed as soon as possible. The incentive proposed for heritage preservation in the form of a density bonus was also discussed.

The Toronto Historical Board decided to substantially endorse the plan for the historical precinct as proposed in the drawings accompanying application no. 1986 by Bell Canada Enterprises with the following provision:

> That the developers continue to work with the Board to refine details to ensure the greatest possible historical veracity and integrity,
>
> And with the following two statements of principle:

1) That the Toronto Historical Board regrets that the developers have been unable to find a way to preserve the Commercial Bank (Clarkson and Gordon) on its original site, and

2) That notwithstanding this reservation, the Board commends the developers on the quality and extent of their historical preservation initiative.

It is essential that in a project which has more than one phase there should be some linking mechanism which could ensure that the historical preservation proposed is the full responsibility of the initiator of the development application. Where there is a possibility that the first phase of a project may be completed and the second phase left, possibly for another developer or owner to complete, there must be some form of guarantee that the originally approved plans for historical preservation will be completed as proposed. This can form part of a Heritage Easement Agreement under the Ontario Heritage Act which is a requirement of the Board for all heritage buildings included in the B.C.E. Place plans.

Consideration might be given to additional means by which responsibility for completion of historical preservation in a reasonable length of time, may be guaranteed in the development agreement for B.C.E. Place.

Therefore, the Board recommends:

1. That the Bell Canada Enterprises be required to enter into a Heritage Easement Agreement with the City of Toronto under Section 37 of the Ontario Heritage Act, for 30-46 Yonge Street, 1-15 Wellington St. West and 20 Front St. West, using substantially the form of Heritage Easement Agreement prepared in February 1987 by the City Solicitor and on file with the City Clerk, subject to such amendments as may be deemed necessary by the City Solicitor in consultation with the Toronto Historical Board.

2. That authority be granted for the introduction of any necessary Bills in Council to give effect thereto.

3. That the Bell Canada Enterprises be requested to provide the Toronto Historical Board with two (2) copies of the required photographs of 30-46 Yonge Street and 1-15 Wellington St. West for inclusion in the Heritage Easement Agreement.

Matters of concern to the Toronto Historical Board should be resolved to mutual satisfaction and documented on the final drawings which accompany an application for a building permit. At that time, the Toronto Historical Board will examine the drawings, and if acceptable, will forward to the Commissioner of Buildings and Inspections a letter of consent to the issuance of the permit."

6. Letter from the Commissioner of the Metropolitan Planning Department dated November 6, 1987.

"As requested, we have reviewed the above application in the context of Metropolitan planning and development principles and policies.

The proposed comprehensive redevelopment of a largely under-utilized city block within the Financial District, designed to facilitate the preservation of a group of thirteen heritage buildings, will contribute to the ongoing vitality of the Cental Area as supported by Section 4B.1 of the Metropolitan Official Plan. The site is very well located in terms of proximity to both the GO and Toronto Transit Commisssion transit systems to which the development provides additioanl entrances and completes further links in the downtown underground pedestrian walkway system. From a locational viewpoint the Metropolitan road system is also very accessible.

This large scale development of about 263,000 square metres (2,800,000 square feet) requires amendments to the City Official Plan (and zoning by-law) wherein the maximum non-residential density permitted under the existing density transfer policy for the Financial District under the Part One Plan is to be detailed and justified through specific policies applicable to the site in a Part Two Plan. This overall density of 12 times coverage is supported in your latest available staff report comprising a density of 9.4 permitted under Part One Plan policies and a series of bonus densities totalling 2.6 to be permitted in a Part Two Plan and implemented by Section 36 Agreement(s). The maximum density is to be permitted subject to confirmation of the availability of adequate transportation and other services.

We have reviewed the Transportation Impact report prepared by consultants for this development within the broader context of ongoing growth potential in the Central Area as a whole. The report generally concludes that the traffic generated by the development within the broader context can be accommodated by

the local and regional road networks. However, we are concerned that the impact analysis does not adequately address the following issues:

1. A number of intersections in the downtown core are at or approaching capacity in terms of specific turning movements. The problem movements are not identified by the overall intersection v/c ratios used in the analysis and Metro staff will have to calculate the v/c ratios for critical movements in order to identify needed intersection improvements.

2. Existing congestion problems are already evident in the Gardiner/Lake Shore corridor to the West, which will be increased by further development in the Central Area. The assignment of increased traffic volumes to the road network in the impact analysis does not take into account road capacity limitations arising from:

   (a) the lack of residual peak hour capacity on Gardiner Expressway entrance and exit ramps which most directly serve centrally located developments (thereby implying the need for more circuitous routing via ramps where residual capacity does exist e.g. at Jarvis); and

   (b) the limited residual peak hour capacity on north-south road leading from the Gardiner, which in some instances is compounded by a mismatch of residual road and ramp capacities resulting in lower overall useable capacity (e.g. at Spadina where residual off-ramp capacity is largely negated by lack of northbound road capacity).

These limitations in the analysis are acknowledged by the consultant, and although the problems may well be resolved by road improvements currently under study, each new large scale development increases the prospect of intolerable road congestion and underscores the need to recognize and support improvements to the road network such as the Gardiner widening, Front Street Extension, Leslie Street Extension and Bayview widening. We would request that your final report on BCE acknowledge and support the need for these facilities.

In addition to the road improvements already under study, we intend to seek authorization from Metropolitan Council to undertake studies of the following measures aimed at relieving Central Area traffic congestion:

(i) Front/Wellington one-way street system from east of Spadina Avenue to Church Street and the appropriateness of these roads being assumed by Metro; (ii) extension of peak period parking/stopping restrictions on arterial roads leading to and within the Central Area and increased enforcement of such restrictions;

(iii) restricting the time periods that service vehicles would be permitted to make deliveries in the Central Area (i.e. no deliveries during mid-day and rush hour periods) and the provision of improved facilities for off-street and curb-side loading/unloading of delivery vehicles; and

(iv) the implementation of a development levy, whereby developers could contribute to the capital costs of additional Central Area transportation facilities.

We would hope to have City staff support and participation in undertaking these initiatives.

With respect to the more immediate traffic impacts of the BCE development we recommend the following improvements:

(i) provision of a southbound exclusive left-turn lane at the Bay/Front intersection;

(ii) reconstruction of the Front Street Median to permit eastbound left turns into the development's Front Street driveway; alternatively in view of the traffic impacts of not only this development but other new development in the Central Area, it would be highly beneficial to implement a Wellington/Front one-way pair with Front Street eastbound which would allow left turns into the site;

(iii) the provision of a northbound exclusive left-turn lane at the Front/Jarvis intersection to better utilize the residual capacity of the Jarvis Street on/off ramps for access to the Financial District.

We would also advise that the Toronto Transit Commission is investigating the impact of increased pedestrian flows into the Union and King subway stations. If the Toronto Transit Commission identified the need for improvments to these stations required as a result of the BCE development, and associated underground pedestrian connections, the developer should be held financially responsible for improvement costs.

The foregoing comments reflect the Metro staff position as presently developed and may be supplemented as a result of ongoing analysis."

APPENDIX D

BCE PLACE - TRANSPORTATION ASSESSMENT

1.0 LOCAL IMPACT

The impact of BCE Place on the local transportation network was assessed based on estimates of both auto trips and transit trips generated by the proposed development during the morning and afternoon peak hours. The assessment also included an examination of pedestrian movements associated with the development and an analysis of the vehicle access, parking and loading facilities proposed for this site. A detailed transportation assessment was also undertaken by the IBI Group and reviewed by staff of the Planning and Development Department and Department of Public Works.

1.1 Traffic Demand

Assuming a floor space per worker (FSW) ratio of 28.0 square metres (consistent with space standards provided in newer buildings in the Downtown area) and a vacancy rate of 8 per cent, the proposed 222,000 square metres of rentable office space could accommodate approximately 7,300 employees. Using factors for daily attendance, peaking and modal split which are appropriate for the Central Area, the 7,300 employees were forecast to generate 3,610 inbound person trips during the morning peak hour and an equal volume of outbound trips during the afternoon peak hour, as summarized in Table 1. In examining the total transportation impacts, Table 1 distinguishes between trips resulting from the component of commercial development which is permitted as-of-right and that for which additional planning approval is being sought.

Table 1: Peak Hour/Peak Direction Person Trips

Mode	Percent	Peak Hour Person-Trips Generated by:		
		As-of-right Development	Additional Development	Total Development
Automobile	20	540	180	720
TTC Subway	48	1,300	435	1,735
TTC Surface	8	215	75	290
GO Transit	19	515	170	685
Other (walk, cycle, etc.)	5	135	45	180
TOTAL	100	2,705	905	3,610

Based on an average vehicle occupancy of 1.3 persons per vehicle, the 720 person trips by auto in the peak direction presented in Table 1 represents approximately 555 vehicle trips during the peak hour, of which approximately 140 vehicle trips are due to the additional density being sought by BCE.

It should be noted that the estimate of peak hour volumes is based on a marginal analysis using travel characteristics exhibited by existing employees in the Central Area. However, these characteristics, as measured by such key parameters as peaking, FSW and modal split, may change and, if so, would affect both the estimated peak-hour volumes of traffic associated with the BCE proposal and the base pattern of existing rush-hour conditions to which the BCE volumes are to be added. Over recent years, the trends in these parameters have been to generally weaken the relationship between office floor space growth and net increases in peak-hour work trips to and from the Central Area.

1.2 Parking and Access

The parking requirement for BCE Place ranges from 777 to 1,792 spaces based on the provisions of the City of Toronto's Zoning By-law. However, parking would also be provided on site for the existing Film House at 20 Front Street plus an additional 23 spaces required by the development agreement for 304-320 Bay Street. This results in a total parking requirement on the BCE site that falls within the range of 850 to 1,926 spaces.

Access to and egress from the BCE Place parking facilities, which would be located underground, is proposed at two locations. One is on Wellington Street, which bounds the site on the north and is located approximately 23 metres west of the Yonge/Wellington intersection. Because Wellington Street is one-way westbound, vehicles using this access would be restricted to left-in/left-out movements only. The second access is proposed on Front Street, which bounds the site on the south and is located approximately 27 metres west of the Yonge/Front intersection. Other building design considerations require the Front Street access point to be located this close to the signalized intersection of Front and Yonge Streets. This feature, coupled with the fact that a continuous landscaped median runs along the Bay to Yonge section of Front Street, makes the accommodation of left-turns into and from the site at the Front Street access point very difficult. As a result, two design options on Front Street were examined. The first option retains the median along Front Street and limits access to right-in and right-out movements only. The second option requires that a cut be made in the median to permit eastbound left-turn movements into and out of the garage. This option would also require a storage lane for vehicles turning left

into the garage and most of the median would, consquently, have to be removed.

The consultant concluded that both options will work satisfactorily, though the second might provide for marginally better traffic conditions. Metro staff recommended a compromise design that would only allow left-turns into the garage without provision for the more difficult outbound left-turn movement which has the potential to create a dangerous weaving situation over the short approach to the Front/Yonge intersection. However, the Commissioner of Public Works does not believe that projected conditions warrant any action to cut and partially remove the landscaped median and recommends, instead, that the BCE Place development be permitted to proceed without any commitment to changes to the median. In reviewing this situation, the Commissioner of Planning and Development concurs with the position of the Commissioner of Public Works with the added stipulation that City and Metro staffs undertake to jointly review the Front Street access situation one-year after the full development of the BCE Place site.

1.3 Traffic Impact

The impact of the auto traffic generated by the BCE Place development was examined from both a demand and a supply perspective. As shown in Section 1.1, the peak auto traffic demand is expected to be 555 vehicles in the peak hour. However, because a parking supply of 1,900 spaces was assumed to be provided, the traffic generated by this facility might exceed the forecast demands of BCE Place itself. Surveys of other parking facilities in the vicinity of the BCE Place site revealed that, on average, vehicles representing approximately 53% of the total parking capacity entered during the morning peak hour and approximately 38% departed during the afternoon peak hour. Applying these factors to the BCE Place site results in peak volumes of 1,007 vehicles inbound and 722 vehicles outbound during the morning and afternoon peak hours, respectively, for a 1,900 space parking facility. These volumes exceed the peak hour demand of 555 vehicles forecast to be generated by BCE Place alone. Therefore, in order to assess the maximum potential traffic impact of the BCE Place development, the traffic generated by a parking supply of 1,900 spaces was analyzed.

Prior to determining the traffic impact of BCE Place, an assessment of existing traffic conditions at the boundary road intersections was undertaken. Traffic conditions at signalized intersections are typcially expressed as volume/capacity ratios (V/C) which provide a comparative measure of the utilization of an intersection. Future background traffic was then determined by estimating the traffic generated by future potential developments

in the Downtown which may be completed prior to the BCE Place opening. This traffic was added to the existing traffic volumes and the intersections were then re-assessed. Finally, the traffic generated by the proposed parking facility on the BCE site was added to the future background traffic volumes and the intersections were again analyzed for what may be termed the "forecast period".

The distribution of traffic generated by BCE Place and other future potential development in the area was based on the trip distribution patterns identified by the Metropolitan Toronto Planning Department in the "Central Waterfront Transportation Study" (May, 1983). The traffic was assigned to the existing road network based on minimum travel times to and from the sites.

The V/C ratios for the forecast period were calculated at the four intersections bounding the BCE Place site for both the a.m. and p.m. peak hours and are presented in the Consultant's study. The V/C ratios at the Front/Bay intersection reflect the widening of the north leg of the intersection to accommodate the construction of a separate southbound to eastbound left turn lane. The provision of this turn-lane is a requirement of the Commissioner of Public Works and the necessary lands will be conveyed to the City as a part of the BCE Place development.

The peak hour V/C ratios at each of the intersections as calculated by the Consultant are less than 1.0. Typically V/C ratios less than 1.0 indicate that the intersections can accommodate the estimated future traffic volumes. However, some individual turning movements at the intersections are expected to be heavy and congestion and delays are anticipated. In many instances, these delays would be experienced with or without BCE Place. Table 2 summarizes the critical movements at each of the intersections which would operate close to or at capacity during the peak hours.

Table 2: Critical Movements

Intersection	Critical Movements
<u>a.m. Peak Hour</u>	
-Front/Bay	Eastbound Right Northbound Through/Right
-Front/Yonge	Northbound Left
-Yonge/Wellington	Northbound Through/Left Westbound Left/Through/Right

p.m. Peak Hour	
-Bay/Wellington	Westbound Left/Through/Right
-Front/Bay	Southbound Through/Right Westbound Left Eastbound Right
-Front/Yonge	Southbound Left/Through/Right Northbound Left
-Yonge/Wellington	Westbound Left/Through/Right Southbound Through/Right

1.4 Truck Loading Facilities

BCE Place proposes to provide truck loading facilities for the total development in accordance with the City's Zoning By-law. The Commissioner of Public Works has commented on this issue in his report of October 15, 1987.

In addition to these loading facilities, an off-street parking area for courier pick-up and deliveries is proposed. This would eliminate the need for curb-side parking of courier vehicles and, therefore, avoid the traffic operational problems associated with such vehicles stopping on the roads bounding the site.

1.5 Transit

As indicated in Table 1, the peak hour/peak direction transit volumes generated by BCE Place are estimated to be 1,735 by TTC subway, 290 by TTC surface routes and 685 by GO Transit. Ridership figures provided by the TTC show that the a.m. peak hour passenger volumes on the subway to the Downtown in 1987 are considerably lower than those observed in 1981. The addition of subway riders generated by BCE Place, plus the estimated riders from other future development in the Central Area would not increase the total subway ridership beyond the levels experienced in 1981. On this basis, the subway system appears to have adequate capacity to meet the anticipated level of demand for the forecast period.

Similarly, ridership on TTC surface routes to the Downtown in 1987 is less than the levels experienced in 1981. Although the 290 additional riders generated by the BCE development, plus riders expected from other immediate future development in the Central Area, would increase ridership marginally beyond the 1981 levels, the total passenger volumes would still be less than the capacity of the surface transit system to serve the Downtown area.

As a result of the proximity of BCE Place to Union Station, it can be expected that a significant proportion of the employees will commute by GO-Transit. The projected increase in GO-Transit passengers to the Downtown resulting from future development over the forecast period, including the 685 trips generated by BCE Place, could be accommodated by the GO Transit system given the existing program of service expansions.

1.6 Pedestrians

An extensive system of surface and underground pedestrian routes would be developed as part of the BCE Place development. The system would effectively provide a below-grade link extending all the way from Union Station to Commerce Court. As such, this could form the south segment of a major, new north-south pedestrian system eventually extending from Union Station to the Eaton Centre, parallelling the existing and often crowded, Union Station to City Hall underground route to the west. The new route would alleviate the congestion on the existing north-south pedestrian system. Also, as a result of this network, the at-grade pedestrian volumes on the Bay Street sidewalks could be lowered and traffic conditions improved by reducing pedestrian/vehicular conflicts at intersections.

The proposed underground pedestrian connections to Union Station and King Station would provide convenient access to both the TTC and GO-Transit systems. A direct pedestrian link to Union Station is currently proposed which would connect with the subway station from the south side, immediately adjacent to the GO-Transit concourse. This link, in conjunction with the creation of a southerly corridor, would allow the segregation of TTC and GO-Train passengers, thus improving pedestrian circulation and access. This would also help to reduce demand at the existing north entrance to Union Station from the Royal Bank Plaza which currently experiences heavy pedestrian volumes.

In addition to the pedestrian amenities, bicycle racks would be provided at several convenient locations around the site to accommodate and encourage this mode of travel.

1.7 Conclusions

The local road network, with the improvements and access arrangements described above, could accommodate the peak traffic volumes generated by BCE Place. However, some congestion at intersections would continue to be experienced at marginally heightened levels in a few locations. The TTC and GO-Transit systems can provide sufficient capacity to handle the peak passenger volumes generated by BCE Place plus other future

developments in the Central Area which are expected to be in place prior to the completion of the BCE Place development.

The pedestrian system in the Downtown area would be improved considerably by the addition of the underground network proposed for BCE Place. The connections to both Union Station and King Station would provide convenient access to the TTC and GO Transit systems and thus encourage a high level of transit usage.

The proposed truck loading bays and courier facilities are adequate and are designed to minimize the impact of the development on traffic operations on the boundary roads.

2.0 REGIONAL IMPACT

To assess the impacts on the regional transportation system, attention is again focussed on the additional peak-hour trip demands which the office component of the BCE Place development is expected to generate. If these peak-hour commuter demands can be adequately serviced, then it follows that the remaining off-peak trips generated by the development can also be accommodated.

The BCE Place development proposal includes a total of 220 000 square metres of office space (2.4 million sq.ft.), of which 165 000 square metres can be described as "as-of-right" development, with the remaining 55 000 square metres (25% of the total) requiring additional planning aproval. To put these figures in perspective, it should be noted that the Central Area as a whole currently contains some 6.0 million square metres (65.0 million sq.ft.) of office development and, as documented in the 1986 Quinquennial Review, has a realistic zoned capacity to accommodate up to 9.75 million square metres (105.0 million sq.ft.) office development, including the as-of-right component of the BCE Place proposal.

Consequently, the additional 55 000 square metres of office development rights contained in the BCE Place proposal, if approved, would increase the total Central Area office capacity from 9.75 million square metres to 9.81 million square metres, an increase of 0.6 per cent. The likely impact of such an increase in development rights on the overall rate of Central Area office development is likely so small as to be of little practical significance. Approval of the BCE Place proposal will redirect development to this favoured site of high transit access with little net increase in the total amount of Central Area office space built over the medium term.

In the long-term, as the 1986 Quinquennial Review points out, there is an imbalance emerging between the development and transportation capacities of the Central Area. This has resulted

in the need to recommend and study a number of Central Area road and transit improvements and to review the current transportation policies of the City's Official Plan. The major regional transportation initiatives that are currently being pursued, with City Council support, are described in the City's 1986 Quinquennial Review report and the recently released joint Metro/City "Central Area Monitoring Program" report. These initiatives include the proposals for the Front Street Extension, the widening of the Gardiner Expressway, the development of improved transit services in the Spadina corridor, expanded GO-rail services to Union Station and modifications to the ramps to and from the Gardiner Expressway in the Downtown area. In addition, the Harbourfront LRT, which will provide improved transit access to the waterfront area, is currently under construction.

Beyond these immediate priorities, it is difficult to accurately predict the need for and timing of other Central Area regional transportation improvements. In general, it was the conclusion of the 1986 Quinquennial Review that the City's transportation policies should generally reflect an incremental approach to transportation planning which allows improvements to be made in stages, as required, while establishing a monitoring and review process to ensure that needed services can be provided at the appropriate time. At the regional scale, the future challenge is to achieve a balance in the pattern of Metro infrastructure improvements to ensure that continued support is given to the growth of the suburban sub-centres, while not ignoring the long term transportation needs of the Central Area.

Overall, the approval of such developments as the BCE Place proposal should be accompanied by a strengthening of the City's commitment to the regional transportation improvements for the Central Area listed above and the associated policy position regarding the adoption of an incremental approach to transportation planning based upon an expanded monitoring and review process. These commitments are, however, required with or without the specific approval of the BCE Place proposal. The long term imbalance between Central Area development and transportation capacities will need to be addressed in any event. With the current proposals for the Front Street Extension, a widened Gardiner Expressway, expanded GO-rail services and other transit improvements, there is sufficient planned regional transportation capacity to accommodate Central Area growth over the next several years, including that which may result from the approval of the BCE Place proposal.

APPENDIX E

History of the block

The block bounded by Yonge Street, Wellington Street West, Bay Street and Front Street West has a particular historical significance in Toronto's physical and commercial development. Initially the site of residences for local notables, the area was transformed gradually during the mid-nineteenth century into a centre for wholesaling and banking. A devastating fire that swept the financial district in 1904 flattened over half the block, necessitating extensive redevelopment. Those buildings which evaded destruction are clustered on the eastern portion of the block, along Yonge Street and Wellington Street West. The Yonge Street facade in particular, is a rare example of a continuous streetscape dating from the mid 1800's.

All of the buildings on the east half of the block have been designated as being of historic or architectural significance under the Ontario Heritage Act. An outline of each of the historic buildings standing on the Yonge and Wellington Street frontages of the BCE Place site follows.

The Bank of Montreal Building, in its prominent position at the northwest corner of Yonge and Front Streets, was completed in 1886, replacing an earlier bank building. The architects, Darling and Curry, produced a landmark building, well-related to its corner location with an impressive octagonal banking hall crowned with a coffered ceiling and a stained glass dome. The side facades flanking both streets each have four arched windows set between richly carved columns under a strong pediment and substantial attic storey. The attic itself is crested with decorative stone balustrades. Having been subject to remarkably few alterations, the building is considered to be one of the finest nineteenth century bank buildings in Canada today.

Unfortunately, Nos. 32 and 34 Yonge Street were demolished in 1950-51 and have subsequently been used as a parking lot. The street frontage picks up again at No. 36 Yonge Street, and is continuous therefrom to the corner of Wellington Street.

No. 36 Yonge Street is a warehouse erected in 1844-45 for Moffatt, Murray & Company, a dry goods wholesaler. This building has undergone a number of substantial alterations since its construction, including a rear addition and a new stone shopfront designed by the distinguished architects Cumberland & Storm in 1853. Additional detailing improvements were made in 1872. The building was used for warehousing until 1928, when the architect W.R. Mead was commissioned to convert the structure to office

uses, and to replace the front with an arcaded design in dressed stone that, minus its copper cornice, can be seen on the building today.

Nos. 38 and 40 Yonge Street were the last buildings to be built during the period of redevelopment that occurred along this portion of Yonge Street after 1845. These adjoining three storey warehouse stores were erected in 1852, and were composed of pale yellow brick, with the lower storey in cut stone. However, the lower storey front was subsequently replaced on both buildings, No. 38 in 1866, probably as the result of a fire, and No. 40 in 1868. These frontages likely comprise the present shopfront with its iron columns flanking the doorway to the shop. Over the years, the buildings were used for wholesale dry goods, offices, and light manufacturing operations.

Construction of the next adjacent building, No. 42 Yonge Street, commenced in 1850-51. The developer, John H. Hagerty, was a lawyer at the time, who would eventually end his career between 1884 and 1897 as Chief Justice for Ontario. A mansard roof and whimsical turret were added likely between 1872 and 1882.

The wholesale store at No. 44 Yonge Street was built in 1850-51 by William Cawthra, a prominent and affluent Toronto citizen. The building has been subject to alterations, including an addition in 1868 in connection with No. 3 Wellington Street West, which created an "L" shaped building with access to both streets, and the addition of fancy stone moldings and a mansard roof between 1872 and 1888.

The Argyle Hotel was located at No. 46 Yonge Street and No. 1 Wellington Street West, and was constructed in 1846. In 1865, the hotel changed its proprietor, and extensive alterations were undertaken to convert the building to a wholesale store, under the architect William Irving. Minor changes were made ten years later by the architects Grant & Dick, when the building changed in use from a wholesale jewellery company to the St. Lawrence Bank. Several banks subsequently occupied the building. In 1901, major alterations were again undertaken, giving the building its present appearance. These included removing the attic storey and gables to create a flat roof, adding one more bay at the west end of the building, and stripping the windows of their old-fashioned trim so it could be replaced with metal pressed in Edwardian baroque patterns. The architect administering these changes is unknown.

The building at No. 3 Wellington Street West burned down in 1960. Charles Moore, a wholesale grocer, erected a store at No. 5 Wellington Street West in 1859. This fine piece of architecture skillfully combines elements in the main elevation to create an

impression of height and opulence. The use of stone added to the richness of the building's appearance. The architect is unknown.

When Charles Moore decided to move his business next door to No. 7-9 Wellington Street West, he retained architects Smith & Gemmell to design a building more than twice as large as his old warehouse. Their plans spread the building's eight bays across the property's sixty-foot frontage. No. 9 was replaced in 1918 with the building that stands today.

No. 11 Wellington Street West was built in 1854-5, and has changed little in appearance since then. It anticipates future architectural preferences for relatively simple design, in an era in which the Italianate or more decorated Romanesque styles were popular. Circumstantial evidence only suggests that the architect may have been William Hay. An addition to the rear was made in 1871 by the owner, a clothing wholesaler, but this did not alter the appearance of the building. No. 11 must be considered an important milestone in the architecture of the City.

Following a decision by the directors of the Commercial Bank of the Midland District to relocate, the plans of William Thomas were selected for a new building at Nos. 13-15 Wellington Street West in 1845. Thomas was Toronto's most accomplished architect following his arrival from England in 1843. Closing the view southward from Jordan Street, then one of Toronto's most important commercial street, the "Grecian style" design was intended to attract passers-by from King Street. The three-storey building had entrances at each end placed in slightly projecting wings. Above the ground floor, where bands of rusticated stone created an impression of fortress-like security, a row of well-scaled windows looked out from under decorative stone pediments and from behind a graceful cast-iron balcony railing. Crowning the facade was a stone parapet on which sat a symbolic stone globe. The building was set back a few feet from the street, behind an ornamental fence.

When the Commercial bank was taken over by the Merchant's Bank of Canada in 1868, a small addition one bay in width was added on the east side of the building. Aside from the small addition made in 1868, a large addition was constructed on the west side in 1960, under the architects Marani & Morris. The entrance was moved to the addition, and the decorative parapet was removed from the front.Despite the alterations, this remains a significant heritage building.

The one historical building on the block which is somewhat separated from the others is that owned by Inaugural Investments at No. 20 Front Street West. The three original warehouses at Nos. 18-22 Front Street West were destroyed in the fire of 1904.

The site stood vacant until 1923-24, when Cassidy's Ltd., a large Montreal wholesaler of china, glasswares and cutlery, constructed the Gowans Kent building that occupies No. 20 Front Street West today. Designed by the Montreal architects Macvicar & Heriot, the warehouse was marked by stout construction that recently permitted several floors to be added to the building. Apart from decorative metal door and window frames on the ground and second floors facing the street, it is a very straightforward structure.

APPENDIX F

PUBLIC MEETING NOTES

For an Official Plan Amendment
Respecting the BCED Proposal

June 9, 1987

1. ATTENDANCE

Planning Advisory Committee

Ross Bobak - Chair
Mitchell Kosny
David Windrim
George Hislop

Planning and Development Department:

Mal Williams

Eudora Pendergrast

Applicant Representatives:

Andy Lennox, BCED

Rudy Javosky, Architect, Bregman and Hamann

2. INTRODUCTION

Andy Lennox introduced the project, gave a brief review of the history to date and turned the presentation over to the architect for BCE Place, Rudy Javosky, who went through a slide presentation on the physical plans for the development. Mal Williams was then called upon to state the City's viewpoint.

Williams explained where the project is in the approvals process. He outlined the major objectives of the Preliminary Report and the 1983 report which provided the City's criteria for the development. He explained the provisions of the Official Plan for the Financial District, which allows 8.0 times the area of the lot in commercial density plus housing of 400 units per hectare, plus the retention of the historic buildings above and beyond the permitted commercial density, and other bonus spaces such as public walkways and community services and facilities. He pointed out that the applicant is asking for the equivalent of 12 times commercial over the full site. With community services and

facilities space, in addition to the 12 times coverage, 666,000 square feet of additional density is being requested. In return the applicant is willing to address public objectives which the City would otherwise have trouble fulfilling. These include:

A. Assisted Housing

Williams pointed out that sites for affordable housing are very difficult to find. The applicant has acquired a site and the City is looking at contributions to assisted housing as a way to address other objectives.

B. Historic Buildings

Historic buildings are a very significant factor on this site. The buildings on this site are small and create a difficult set of constraints upon the development. The buildings must retain their historic and architectural value within the development and the City is looking to the developer to enliven and enrich them as functional buildings.

C. Community Services

There will be a workplace daycare centre on the site.

The Bank of Montreal is an important building which should be publicly accessible. It will be devoted to a public use at no rent. The building itself is an important heritage building.

A pedestrian connection to Union Station will be provided. This is also a difficult public objective to achieve without a major comprehensive development.

Williams pointed out that at this time the City is evaluating the costs to the developer and the public benefits of these items. When this analysis is complete, the staff will be proposing an appropriate density bonus to deal with these objectives. Staff are also dealing with the design issues in a separate process. The design is evolving and will be finalized in the fall. Now is the opportunity for public input with regard to City objectives.

The Chairman opened the floor to questions from the public.

3. DISCUSSION

Discussion, including questions and comments, focused on the following matters which are arranged here by topic rather than the order in which they occurred.

General

J.D. Roberts, City TV, questioned whether we need another skyscraper in the downtown that will extend the Bay Street canyon all the way to Front Street. Williams replied that the City reviews new development in terms of its fit with City objectives and whether it has a positive or negative impact with regard to transportation and built form. Mr. Roberts asked whether Williams believed this was a worthwhile development. Williams answered yes, we believe this site is worthy of good development, however we have not reached a conclusion yet on this particular application.

Mr. Rhaghuvir stated his support for the development and the concept, and pointed out that BCED is providing daycare services of enormous value to the city. In his view BCED is doing enough with the project and should be allowed to get on with it.

Historic Preservation

Douglas Richardson, University College Professor, asked how much in excess of the permitted coverage the development will be. Mal Williams answered that the plan permits 8.0 times the area of the lot plus the historic buildings, and that the total extra floor space being requested is 666,300 square feet, which is about 2.8 times the area of the lot. Mr. Richardson asked what considerations are motivating the removal of 15 Wellington Street from its historic site at the foot of Jordan Street into the interior of the Wintergarden. He pointed out that this concerned him very intensely, since this is the old Commercial Bank of the Midland District and he believes his father's old office is the only well preserved room in the building. The present site is in scale, the proposed site is hopeless, out of scale, and will look silly. He asked why it was necessary to put the tower at the foot of Jordan Street, where its scale will be overwhelming.

Lennox answered that there are many factors and constraints, including view lines and shadows on neighboring properties. BCED has worked on a number of designs trying to keep the bank where it is now. So much of the perimeter is taken up with historic buildings that they represent a very large constraint. This is the last building in the street row. BCED looked at moving the building next to the Bank of Montreal. BCED has worked closely with the planners and the Toronto Historical Board to review this location, and after much study has determined that the best location for the building is within the Wintergarden. The office which is in the interior of the building will be preserved.

Mr. Richardson later suggested that if only the facade of 15 Wellington Street is moved the banking hall would be lost. He admitted that there is nothing of historic or architectural value there now, and that what was done to the building by Eric Arthur in the 1960's cannot be undone. However, he pointed out that there are only two older bank buildings in Canada. This was one of the first to be designed as a bank and it deserves better treatment in the redevelopment proposal.

Hamish Wilson stated that he did not believe that historic preservation meant moving buildings. He said it was a shame that the Clarkson Gordon building had to move since the other buildings were being well handled and asked whether this one couldn't be saved as well. Max Beach stated that he was very concerned with the relocation of 15 Wellington Street. He felt that the new location inside the Galleria was inappropriate. He stated that the building has bordered the street for decades, and if it could not be located on Wellington Street it should be on Yonge Street. He asked why it was not possible to have the building moved to Yonge Street. Rudy Javosky answered that BCED has looked at a number of locations for the building. The Toronto Historical Board has great difficulty in moving the building off the axis of Jordan Street. BCED has retained an historian to research the history of the block and is attempting to assist in determining the best way of keeping the historic buildings. Javosky mentioned that there are many good examples of historic buildings covered by a glass roof, for example, the Metropolitan Museum in New York and Arthur Erickson's Bank of Canada in Ottawa. Other examples in which historic buildings have been built under a tall building have not been successful.

George Hislop, a member of the Planning Advisory Committee, asked about the moving of the bank. Is only the facade being moved? Similarly with the Yonge and Wellington buildings, is it only the facades that are being saved? He asked about the interior of the bank, and asked how much is in fact being saved. Javosky replied that there is no doubt about the Bank of Montreal which is in excellent shape and has a wonderful interior. With regard to the Yonge and Wellington buildings, some of the facades have been completely altered and the condition of the buildings is not good. The interior fabric would have to be fully gutted in any event. With regard to the Clarkson Gordon building, an extensive tour with the Toronto Historical Board was conducted. There is nothing of any historical value left inside the building, except for one room which has fine mouldings and artifacts which will be retained and replaced in the new development. There are no

grand interior spaces in the Clarkson Gordon building even in the original plans.

George Hislop asked how you would be able to see the Clarkson Gordon building from Wellington Street. Javosky answered that some of the base of the second tower would be transparent to allow this view, with a public walkway through. George Hislop asked about the use of the Dominion Public building across the street. Javosky replied that it will be used as government offices. J.D. Roberts asked Javosky about the exact plans for the Bank Of Montreal interior. Lennox replied that this is one of the finest interiors in the city and the intent is to restore it to its original state. Its use will be retained in the public domain. Mr. Roberts mentioned that the plans shown to the public indicate retail in this building. Javosky answered that banks are a retail use. Mr. Roberts asked whether the original tellers' cages would be restored as part of the historic restoration.

Mr. Bobak, Chairman of the Planning Advisory Committee, asked about the effects of acid rain on historic facades and on stone, and stated that he assumed that the building inside the Wintergarden would be protected. Javosky answered that in the new development the granite would be resistant to acid rain. Acid rain is a problem for the existing buildings and serious deterioration of some of the stonework at the eaves of the Bank of Montreal has already occurred. This has been and will be repaired. He felt that they would continually have to maintain the historic buildings. William Rosehart said that he believed that the development showed a sensible and economic preservation of heritage buildings.

Housing Issues

J.D. Roberts asked about the contribution to the homeless. Lennox replied that BCED is discussing the size of this contribution with the planners now. Mr. Roberts stated that he believes that Alderman Dale Martin would like to see housing on this site and asked why there is no housing. Lennox replied that if you take into account the historic buildings, public spaces and footprints of the towers, there is very little room on the site for the housing.

Bob Binney, of the St. Lawrence Neighborhood Business Association, pointed out that earlier in the presentation there was a suggestion that funds would be given to affordable housing. As a member of the St. Lawrence Neighborhood Association, he was concerned about the location of the housing. Mal Williams answered that BCED is looking at proposals for sites for assisted housing and funds for housing

the homeless. The amount of the funds is under discussion and BCED is looking to meet the housing objectives off-site. Lennox reiterated that if we preserve the historic buildings as proposed, very little room for housing remains on the site.

Stephen Davis, resident, asked how a density increase from 8.0 times coverage to 12.0 times without on-site housing could be explained. He mentioned that there has been favourable comment about a cash-in-lieu payment. He stated that he understood that the original plan for the site had housing in the project. Williams replied that there was no original plan and that in the City's report of 1983, housing was mentioned, but at this point the developer has no plans for on-site housing. The developers' offer to provide a site is critical because sites are scarce. The developer does not want to build housing on site. Mr. Davis asked whether this was a transfer of density and Williams replied that it was not. Mr. Davis asked about the zoning at Jarvis and Dundas. Williams replied that the Official Plan permits up to 280 units at Jarvis and Dundas. At BCE Place the current plan provides for 444 units per hectare, for a total of 880 units. However, in the Financial District, housing is not required and generally is not built. It should also be noted that if housing were built on the site it would be market housing, whereas the housing at Jarvis and Dundas would be assisted housing. Paul Murphy, spoke about public housing. He mentioned that it is the private developer who pays the taxes and asked why the City is extorting public housing from developers. Williams answered that the developer is offering to provide a contribution to assisted housing because he wants a major increase in density and therefore must meet public objectives.

Design Considerations

Bob Freeman, main floor tenant of 22 Front Street and owner of Hughie's Restaurant, stated that he was in opposition to the project and that he was going to put his statement of opposition in a letter to the planners. As the owner of Hughie's, he is concerned about the potential negative impact on his business. He understands that the project will bring enormous benefits to Hughie's. However, the eastern wall of his restaurant has windows and he believed that in an earlier scheme the space to the east was to become a park. He stated that Hughie's now has a view to the theatres. The proposed BCE Place development cuts the line of view and particularly the view of Hughie's signage.

Douglas Richardson pointed out that more than 20 years have elapsed since Vincent Scully wrote a moving study on The Death of the Street. He proposed that the Pan Am building in New York killed the view looking south on Park Avenue because the

building was too tall and too wide. Mr. Richardson suggested that the second tower in BCE Place is very wide and will have the same "deadly effect" on the view down Jordan Street. Mr. Binney pointed out that his group, the St. Lawrence Neighbourhood Association, is located across from the development. He said he was impressed with the presentation and very pleased by the retention of the historic building. He stated that between the Bank of Montreal and 36 Yonge Street there is a small parking lot, which he hoped would be filled in with some care. He also mentioned the development at Front and Jarvis Street as being one which represents a very sensitive infill.

Approvals Process and Timing

Mr. Freeman asked about the date for the full Planning Advisory Committee meeting. The Chairman replied that it is a long process and many reports are required. Williams answered that we are presently aiming for a Planning Advisory Committee and Land Use Committee meeting towards the end of the summer or early fall. There was a question about the date for breaking ground. Lennox said that construction will start soon after the rezoning process concludes.

Bill Cook, tenant, 199 Bay Street, was concerned about the timing of the project; when would it happen and when would he be evicted? Lennox stated that the project will be undertaken in phases with the Canada Trust Tower in the first phase. Construction of the Canada Trust Tower would start as soon as possible after receiving approval and BCED has no specific timing in mind on phase two. 199 Bay Street will remain until phase two is constructed.

Mr. Hislop asked what guarantees exist that the whole project will be built. Lennox replied that the approvals process determines what BCED may do if they build. Nothing commits the developer to build. Williams answered that what is proposed in the Part II Plan will be applicable to any development on the site regardless of the developer.

Mr. Hislop asked how long it would take to complete the entire project. Lennox replied that the first tower will take 30 months to construct, the second tower will require about the same amount of time, and final completion will depend on how closely together they are started.

Public Open Space

Mr. Kosney, member of the Planning Advisory Committee, asked whether the Galleria and the Wintergarden would be public open

space. The norm is that areas open to the public are maintained open by agreement at specific hours and are counted as part of the common outdoor space requirement in the Official Plan. Mr. Kosney asked who controlled access to the space. Williams answered that the owner has control of the space and agrees to keep it open during subway hours. However, there are still restrictions on the open space since it is private. Mr. Kosney pointed out that this is a delicate issue, since the discretion of who uses the space is up to the owner and his security staff.

Parking

Bill Cook asked what parking is required in the project. Williams answered that the requirements are the same as for any other development in the city. There is a very complex formula for parking and loading and the new requirement is approximately a minimum of 1 space per 3,000 square feet floorspace and a maximum of 1 space per 1,400 square feet floorspace.

Mr. Hislop asked whether the parking was accessed from Front Street and whether the lack of a median opening there would have an effect. Williams answered that the issue is being studied in the transportation study.

Public Transit Impacts

Hamish Wilson asked about the additional density and what impact it would have on the transit system. Can the subway system handle this increased density? The Chairman replied that the transportation study is underway on the impacts on roads and transit.

Subway Connections

Peter Larue, 33 Yonge Street, asked about proposed connections to the King subway station. Williams answered that no specific connection to the King subway station is being considered. The connection to Union Station is the most important for the city, and there has been no proposal from the TTC to extend the King subway station south.

Density

Douglas Richardson pointed out that he believes that the density increase being requested is 30% more than the permitted coverage. He felt that this made all the difference between a development that would be amenable and a development that would be "aggressively exploitative".

Tax Matters

Mr. Paul Murphy complimented the developer and wanted to know how much BCED would be investing. Lennox replied that this would be in the range of $250 million in construction costs. Mr. Murphy asked what would be paid back in taxes to Metro. Lennox answered that this had not been calculated, but the norm is approximately $6 which would work out to about $15 million a year. Mr. Murphy suggested that the original design was much larger at about 4 to 5 million square feet floorspace. Lennox replied that this is not the case, that an application had never been made for more than 12 times coverage. Mr. Murphy suggested that 10 years ago the city had 12 times coverage as-of-right in the downtown, and in downzoning to 8.0 times coverage the city has reduced its tax revenue by 25%. He noted that this year his taxes are being raised by 5.5% and asked why the City would not allow developers to build more and therefore reduce his taxes.

Summing Up

During the meeting, the Chairman noted that there are five special interest groups:

- politicians
- the developer
- the City staff
- the public
- the adjudicators, i.e. who were the Planning Board and
- are now thePlanning Advisory Committee.

At the end of the meeting, the Chairman summed up by saying that this is a public process which will only be repeated a few times. For the next meeting, notices of the date and time will be mailed in advance to anyone on the mailing list. After that there would be deputations to the Land Use Committee; no deputants are allowed at Council. He pointed out that this is the most flexible point in the development process, when the project is still open to suggestions, and suggested that people send in written comments. He noted that there are studies still to come on transportation, shadowing and wind.

4. ADJOURNMENT

The meeting adjourned at 9:45 p.m

1. Letter from Mr. Gilbert A. Bard of RWI Properties Limited to Mr. Ross Bobak of the Planning Advisory Committee dated June 11, 1987.

"I was pleased to respond to your invitation and readily attended the recent public meeting held by the Planning Advisory Committee concerning BCED's application to amend the Official Plan and Zoning By-laws.

The meeting served as a reasonable introduction to the topic and I anticipate that the Preliminary Report prepared by the Planning Department, which I should receive in the near future, will elaborate further on BCED's project. In an effort to better assess the application as well as the proposed development, I visited the site once again and wish to voice the following comments:

1. Density

Regardless of density transfers and land donations but subject to the City being capable of providing adequate infrastructures, I support the notion of mazimizing the commercial density of the site. My reasons are based on my recognition that all progressive cosmopolitan centers ultimately need a strong downtown architecutral statement; and this particular site offers such an opportunity. Of course, such a statement would be meaningless without the presence of people throughout the entire day and during weekends - this associated objective has not been met in previous major downtown developments but appears to be addressed through the inclusion of a galeria, a wintergarden as well as open spaces.

I strongly suggest that City officials should concern themselves to a far greater degree with topics relating to quality of design rather than density issues. Pulbic demand should dictate the project time schedule and its level of success. The City should assist the developer (and all other serious developers) in every way possible, especially in light of current trends, which see growing numbers of corporations relocating outside Toronto in favour of peripheral communities such as Mississauga, North York and Scarborough. If this trend intensifies any further, downtown Toronto will become little more than a 9 to 5 money factory.

2. Historical Sites

I strongly endorse the complete restoration of the old Bank of Montreal building. A cosmetic job will not suffice in this instance as the entire building has historical architectural significance, not only its exterior shell.

I have mixed feeling about the Clarkson Gordon building and the Jordon Street view lines. In final analysis, I see the Jordaon Street discussions as being irrelevant to the BCE site since pedestrian traffic at this location is minimal and that to intensify it would only create vehicular traffic problems on Wellington Street.

The Clarkson Gordon building on Wellington Street may have some historical significance, and if it does, then it should not be relocated. In my assessment, a historical property includes its site; I can't imagine the reaction of tourists in the year 2025 being guided through BCE Place and informed that the building was actually dismantled piece by piece, many original materials discarded due to their bad quality and finally put back together on a very dissimilar site with a mixture of new and old materials glued to a new structure and foundation.

The old buildings at the corner of Wellington and Yonge Streets hold no historical significance, if only to confirm that Toronto, like all other cities, has built its share of low quality structures. If historians feel that certain decorative elements, especially the exterior wall treatment around windows, are of value, they could be cut out and donated to an architectural museum; indeed, the old Bank of Montreal building located on the site, could serve this purpose.

The elimination of these old buildings would solve many remaining problems and could allow the developer to dedicate additional space to people oriented activities while adding a third smaller tower close to Yonge thereby lending credibility to the notion of extending the downtown core east of Yonge.

3. Front Street Building

This building, which I gather is not part of the BCE complex, is an eye sore and requires serious attention. Apart from the integration of Front Street building into the overal complex, them most urgent issue should be the building's exterior aesthetic appearance, especially as

it will be seen from within the galeria and the wintergarden.

The importance of this project cannot be stressed enough. Its key location and successful assembly of a large site will make it the most prestigious project ever developed in Toronto. My final recommendation addresses itself to both the City's and developer's decision makers:

> This project will receive worldwide attention and will therefore serve as the basis upon which Toronto, as a community and as a financial centre, will be judged by outsiders. For this reason, local political and social issues such as density transfers, bonuses, housing and historical preservation must be dealt with in the proper light so as not to tamper with the major contribution that BCE Place is capable of making to the long term reputation of Toronto."

(2) Letter from Hugh Garber, Robert Keifer and Robert Freeman to Dr. Mitchell Kosny, Chairman, Planning Advisory Committee.

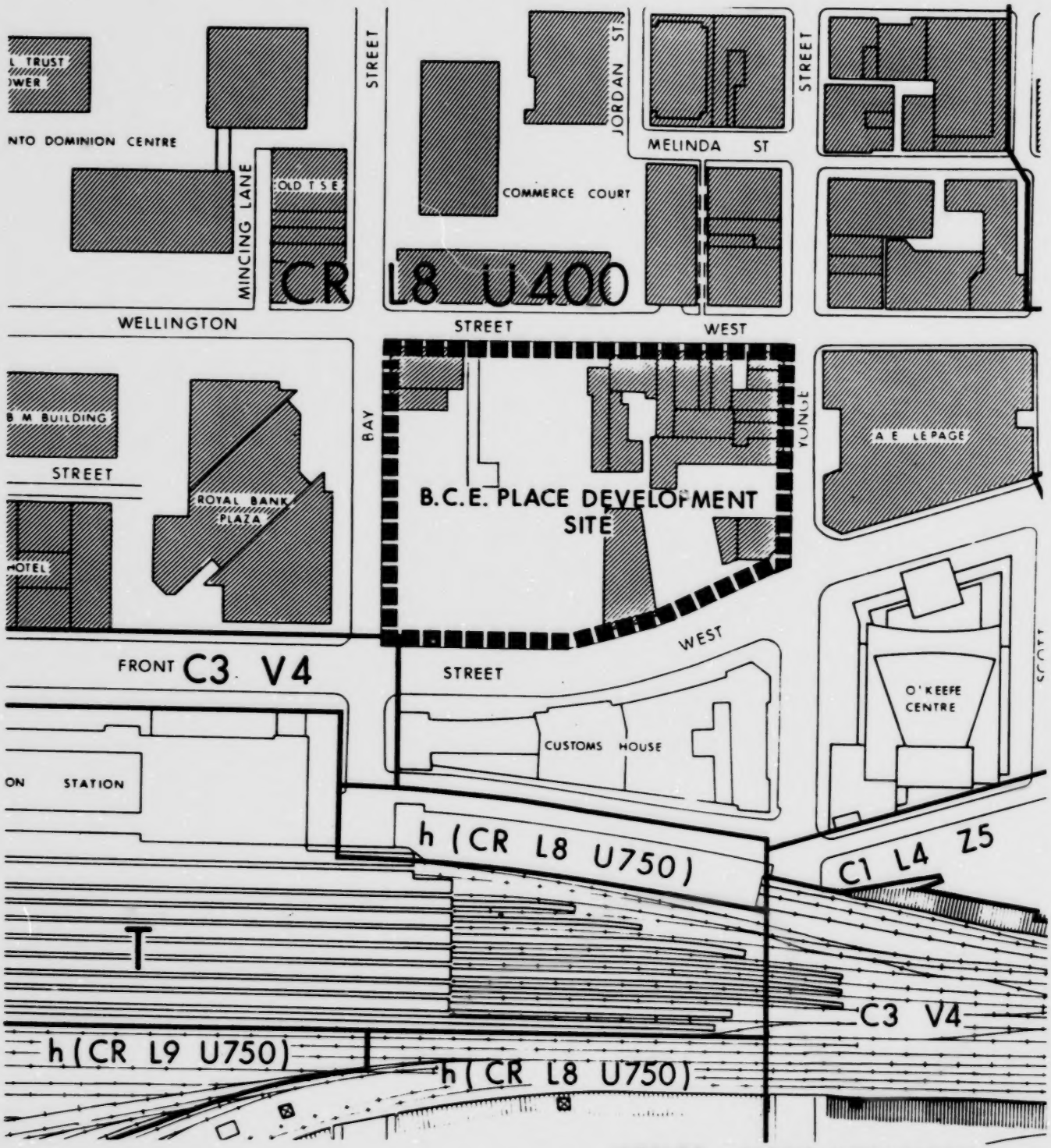
"As owners of Hughie's Restaurant at 22 Front Street West, we would like to voice our concern about the potential negative impact that the proposed BCE Place may have have on our business. While we understand the enormous benefits of such a development to Toronto and the benefit of our being surrounded by the BCE Place population, we ask that the Planning Advisory Committee and the BCE representatives take our concerns into consideration.

Specifically, the eastern wall of our restaurant consists of windows that were installed at great expense because we were told that the parking lot to our East was to be a park according to the then current (March, 1984) "grant plan". Not only do the windows make our restaurant bright and inviting, they also provide a rather nice vista of the O'Keefe Centre and St. Lawrence Centres; and, likewise, there is a clear line of view to the restaurant from the theatres - our night lifeline as it were. The proposed development places a wall outside our windows thereby cutting our light, our vista, and, because our signage is in these windows, our theatre lifeline. Presently it is easy to fill our restaurant by day; therefore the development cannot increase our day business unless we can negotiate additional space. However, we need the evening/theatre business to survive.

We appreciate that a very sensitive rendering of the block has been accomplished by the developers and would ask that this sensitivity be extended to one of the few existing tenants

looking for a successful future in this block. The construction of BCE Place may be a strain on our business, but the barrier planned outside our windows will change the character and profile of Hughie's substantially.

The owners of Parcel 2 certainly have a right to develop it within the guidelines of the zoning by-laws so as to optimize the return on this expensive space. Changes to the Official Plan and the Zoning By-Law are probably warranted by the "returns" to the people of Toronto. We admit that we appear rather inconsequential to this development; however, the development is not inconsequential to us. Maybe there are facts that we do not know; maybe there is flexibility; and maybe there are enormous advantages to Hughie's. We would like to let this letter serve as the beginning of a dialogue that will help us understand the impact of BCE Place on Hughie's."



PLANNING DISTRICT : DOWNTOWN
ZONING MAP SHEET : 50G - 323
WARD : 6
O P DESIGNATION : FINANCIAL DISTRICT

SITE
COMMERCIAL
INDUSTRIAL

YONGE, FRONT, WELLINGTON AND BAY BLOCK
PRESENT ZONING AND LAND USE 1

APPLICATION No. 1986
ASSIGNMENT No 545/11986
DRAWN BY: P.A.V.

SCALE: 1:2400

NOVEMBER 1987

CITY OF TORONTO PLANNING AND DEVELOPMENT DEPARTMENT
ROBERT E. MILLWARD, COMMISSIONER

CENTRAL CORE AND WATERFRONT PLANNING DIVISION

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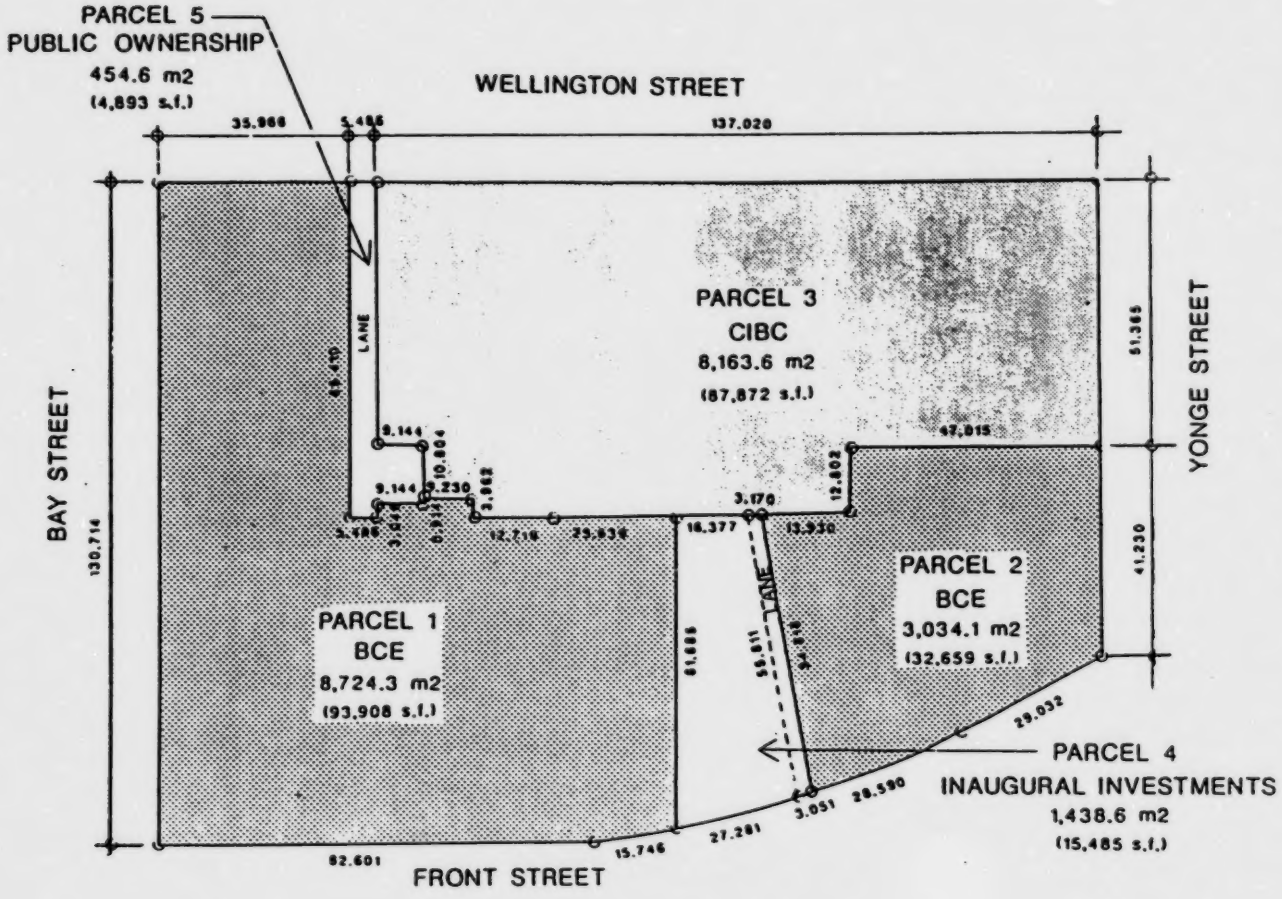


2

OWNERSHIP

APPLICANT'S DRAWING

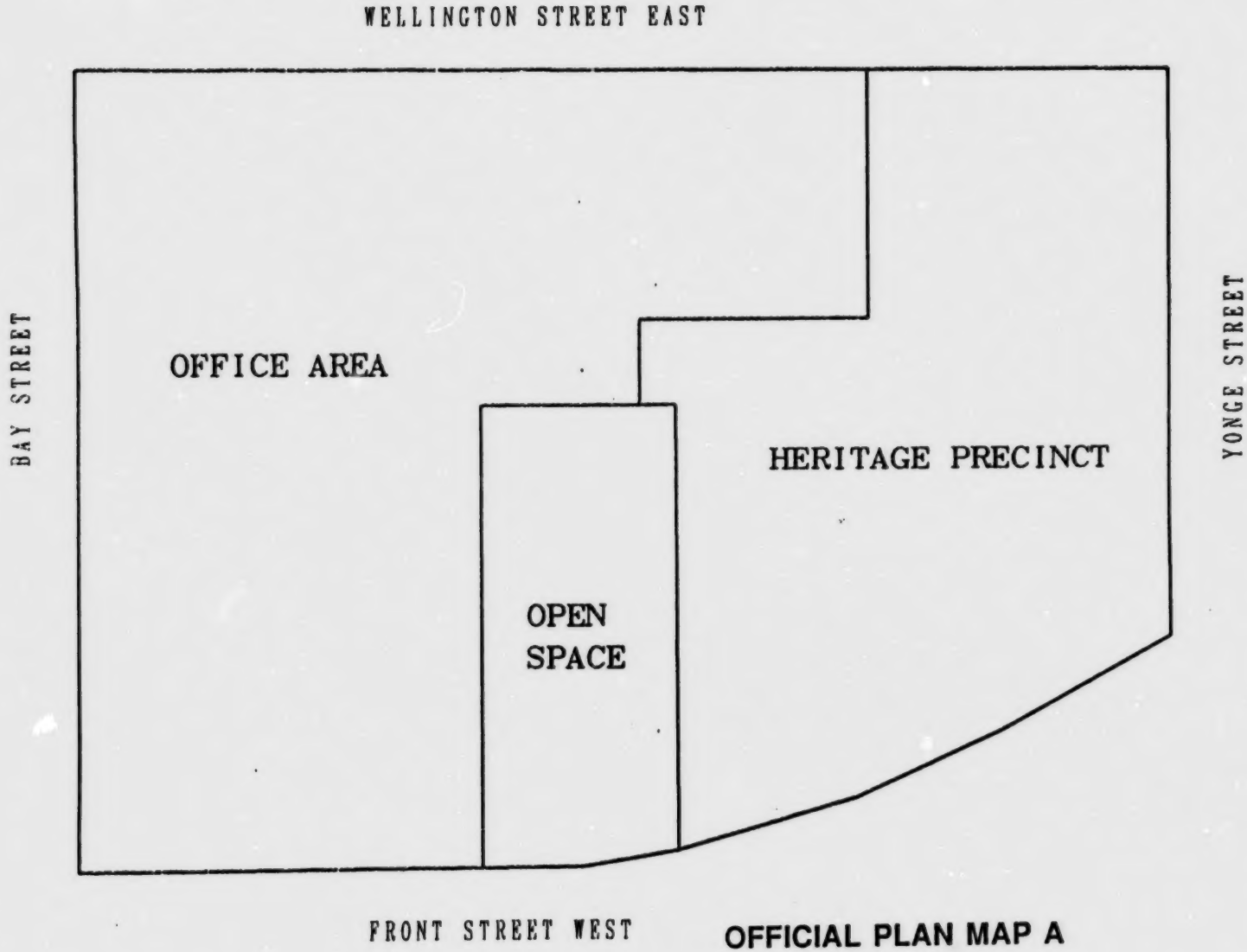
APPLICATION NO. 1986

CITY OF TORONTO PLANNING AND DEVELOPMENT DEPARTMENT
Robert E. Millward, Commissioner

REDUCED DRAWING

CENTRAL CORE AND WATERFRONT PLANNING DIVISION

NOVEMBER, 1987



OFFICIAL PLAN MAP A

APPLICANT'S DRAWING

APPLICATION NO. 1986

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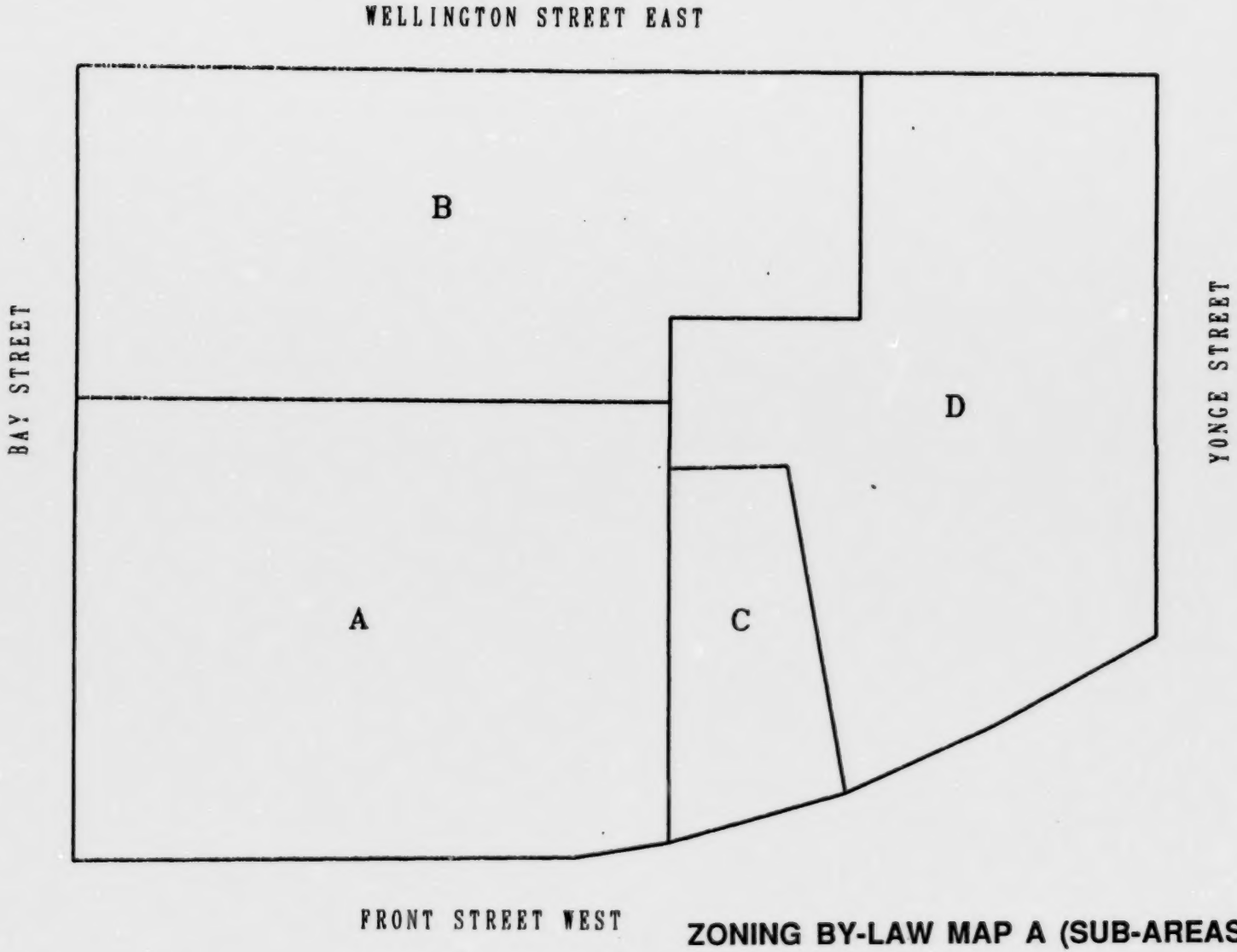

ZONING BY-LAW MAP A (SUB-AREAS)

APPLICANT'S DRAWING

APPLICATION NO. 1986

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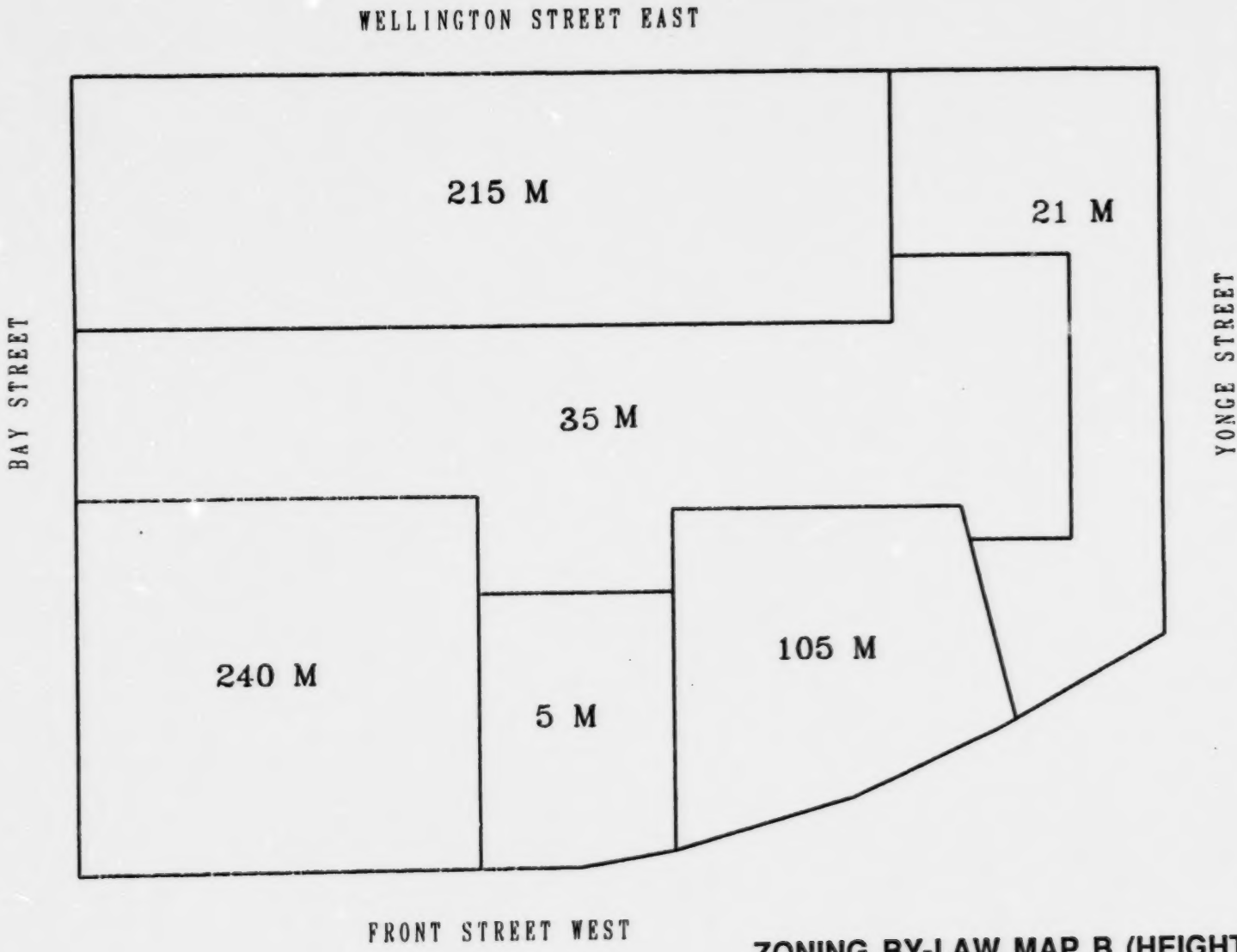
NOVEMBER, 1987



ZONING BY-LAW MAP B (HEIGHT)

APPLICANT'S DRAWING

APPLICATION NO. 1986

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Robert E. Millward, Commissioner

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CENTRAL CORE AND WATERFRONT PLANNING DIVISION

NOVEMBER, 1987

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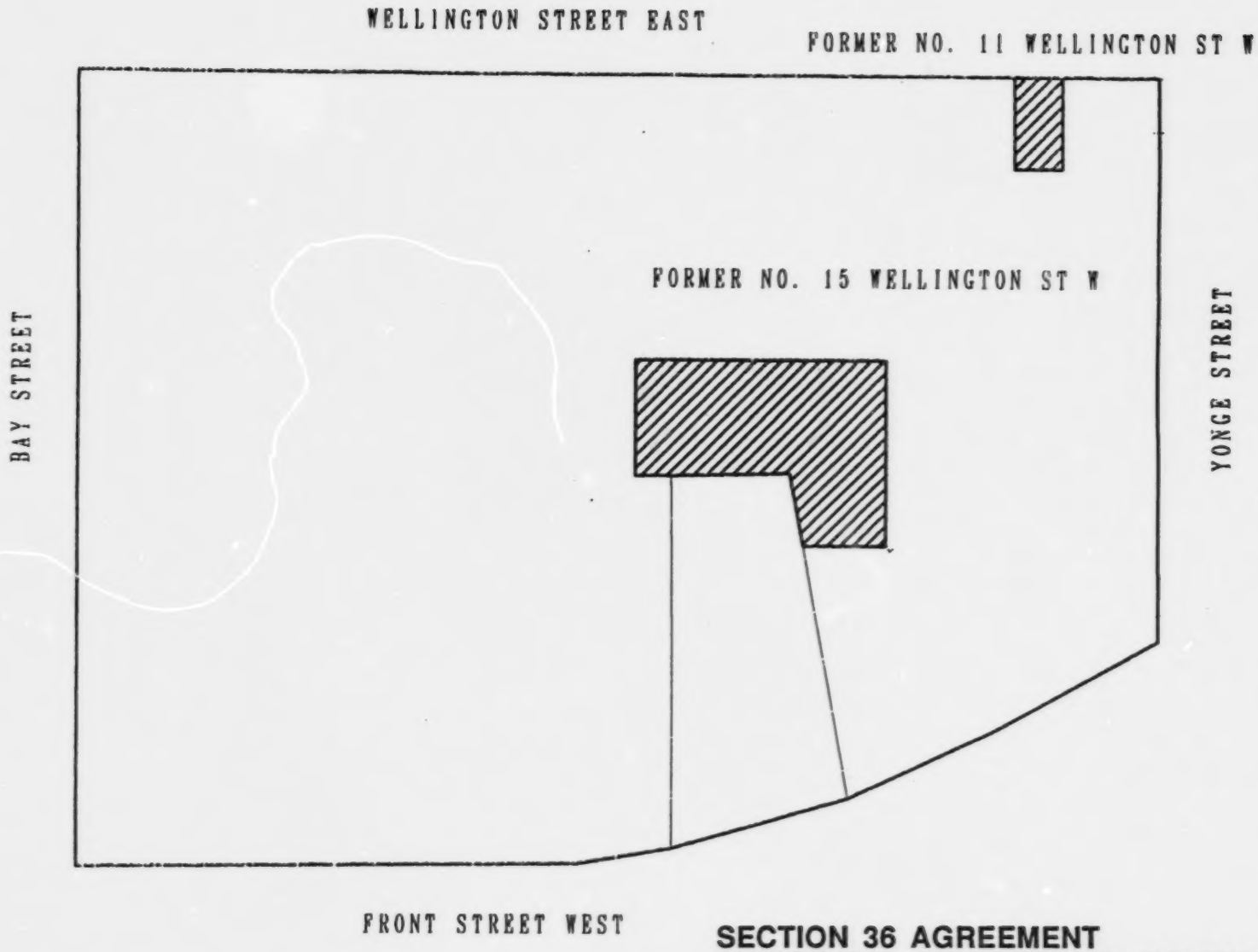

SECTION 36 AGREEMENT
HISTORICAL BUILDING RELOCATION

APPLICANT'S DRAWING

APPLICATION NO. 1986

CITY OF TORONTO PLANNING AND DEVELOPMENT DEPARTMENT
Robert E. Millward, Commissioner

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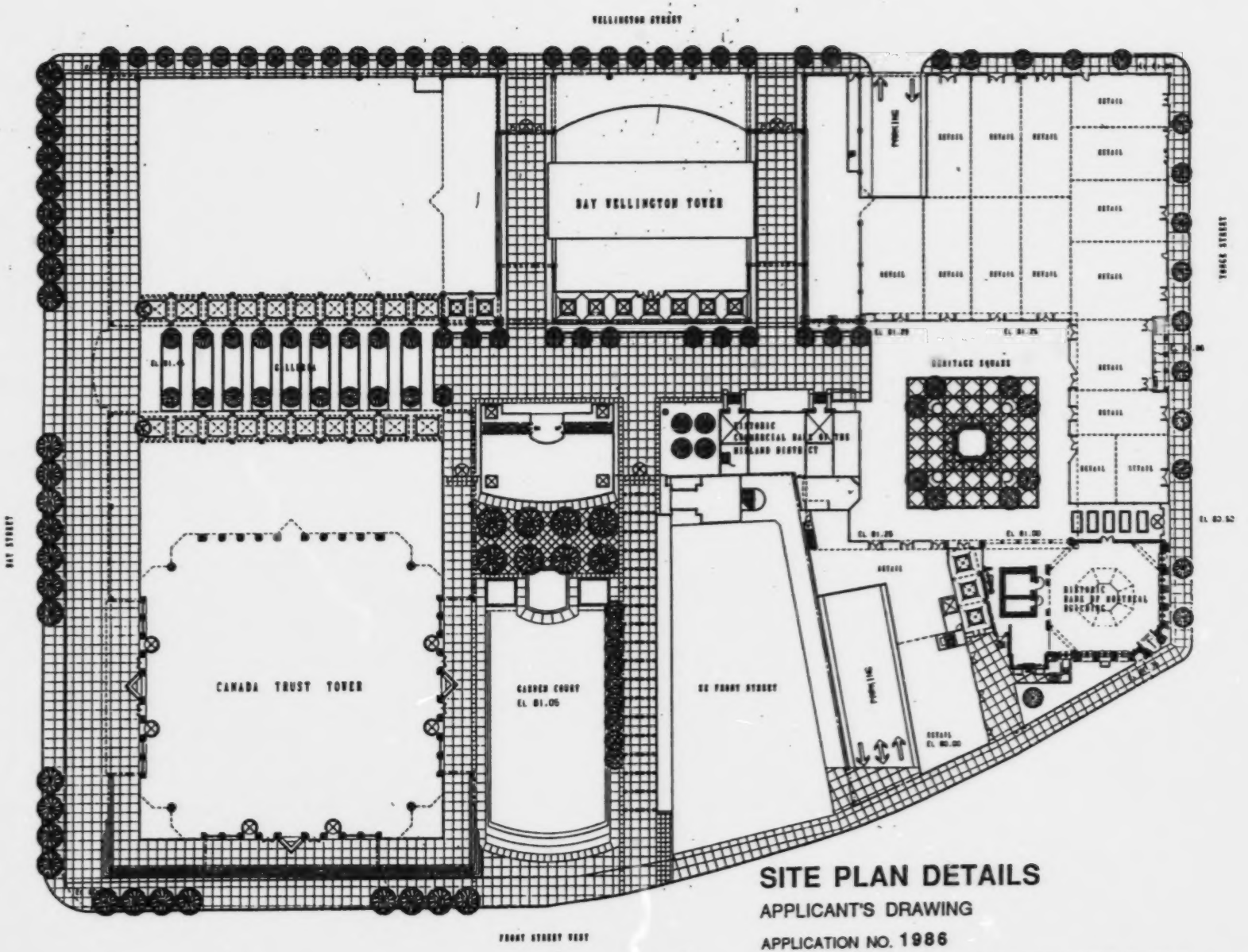
NOVEMBER, 1987



SITE PLAN DETAILS

APPLICANT'S DRAWING

APPLICATION NO. 1986

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CENTRAL CORE AND WATERFRONT PLANNING DIVISION

NOVEMBER, 1987

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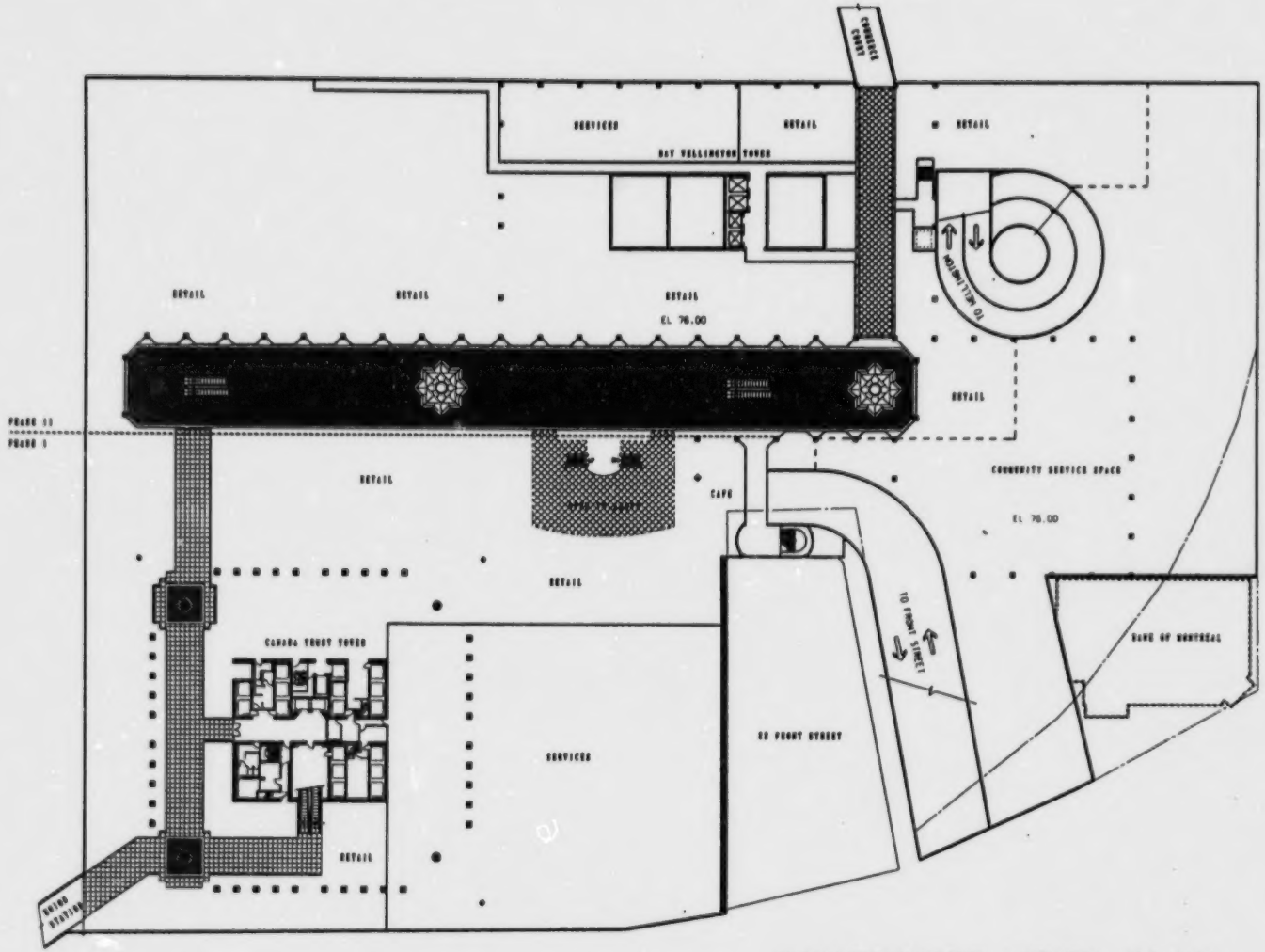


CONCOURSE LEVEL PLAN

APPLICANT'S DRAWING

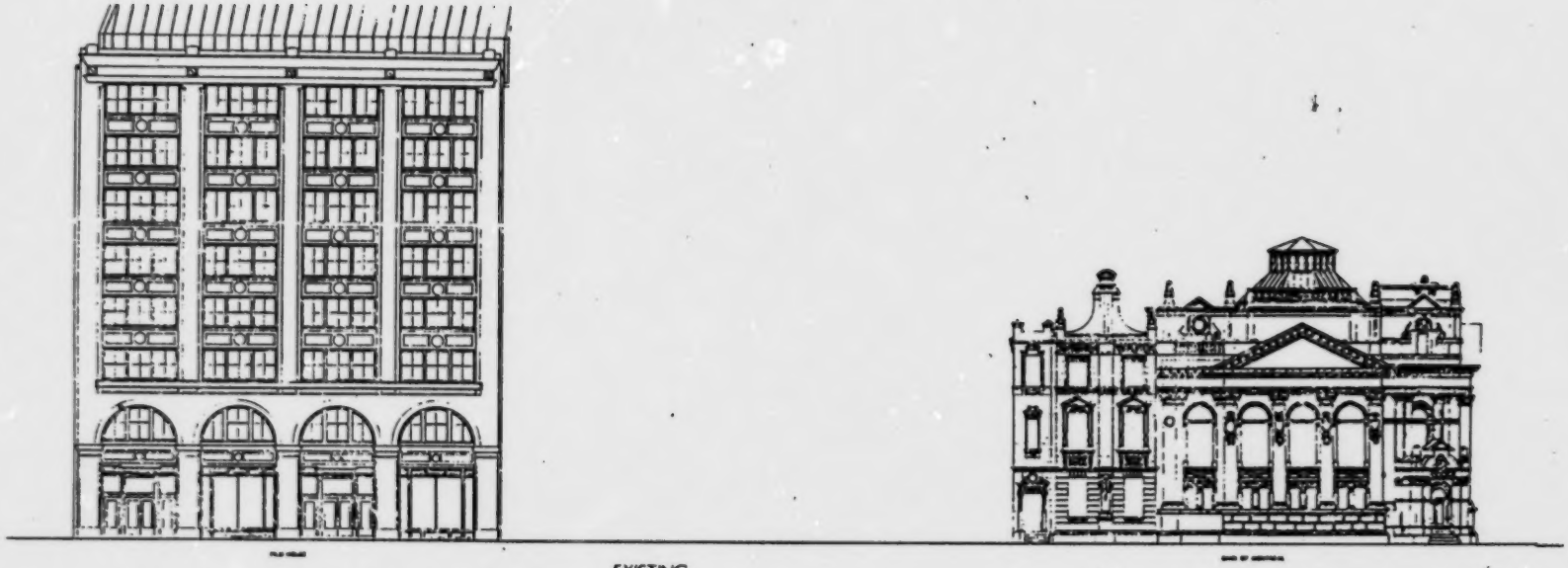
APPLICATION NO. 1986

CITY OF TORONTO PLANNING AND DEVELOPMENT DEPARTMENT
Robert E. Millward, Commissioner

REDUCED DRAWING

CENTRAL CORE AND WATERFRONT PLANNING DIVISION

NOVEMBER, 1987



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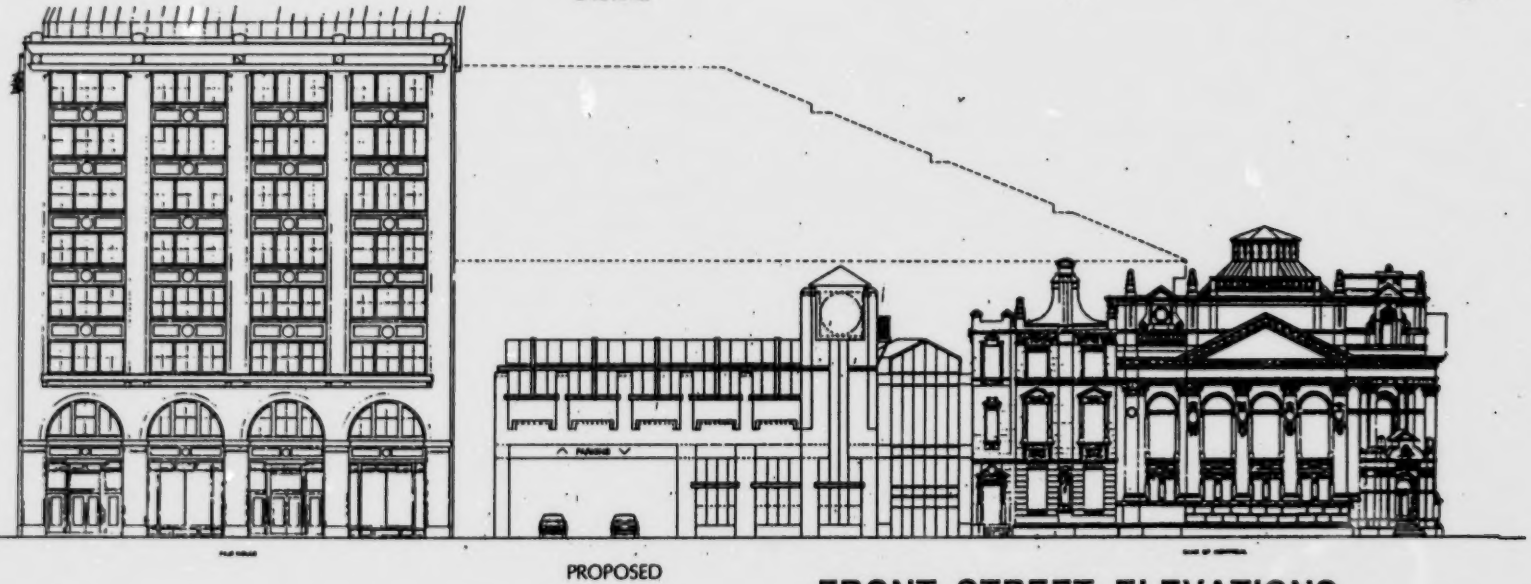

PROPOSED

FRONT STREET ELEVATIONS

APPLICANT'S DRAWING

APPLICATION NO. 1986

CITY OF TORONTO PLANNING AND DEVELOPMENT DEPARTMENT
Robert E. Millward, Commissioner

REDUCED DRAWING

CENTRAL CORE AND WATERFRONT PLANNING DIVISION

OCTOBER 1987

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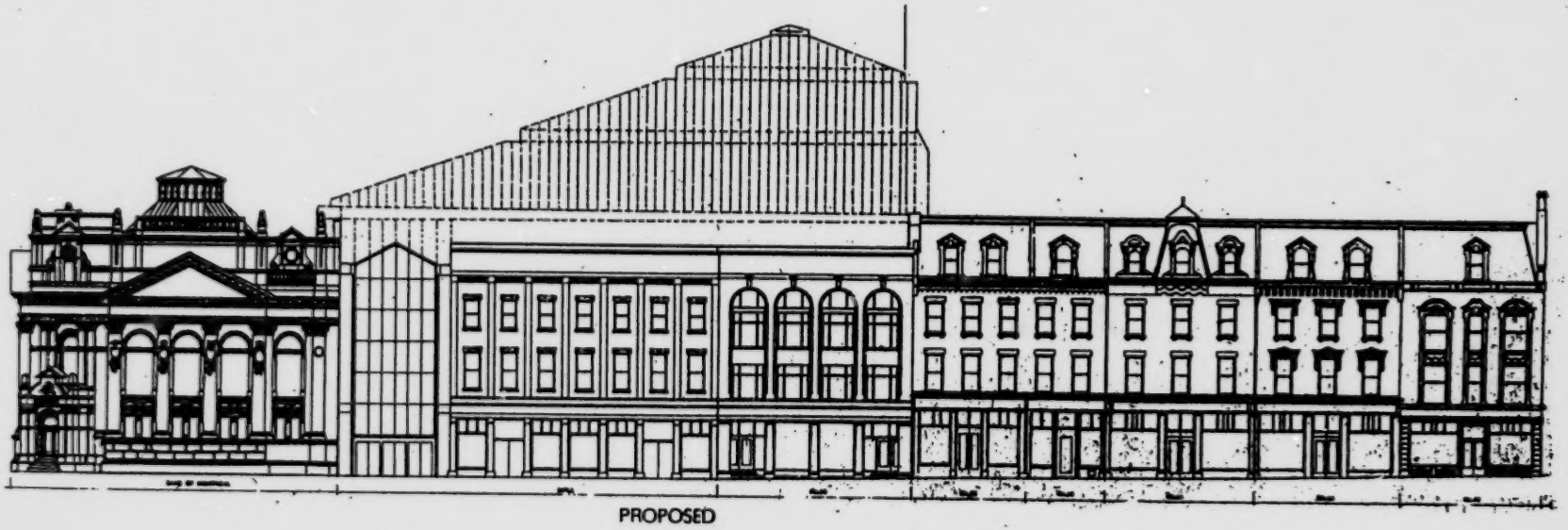

PROPOSED

YONGE STREET ELEVATIONS

APPLICANT'S DRAWING

APPLICATION NO. 1986

CITY OF TORONTO PLANNING AND DEVELOPMENT DEPARTMENT
Robert E. Millward, Commissioner

REDUCED DRAWING

CENTRAL CORE AND WATERFRONT PLANNING DIVISION

OCTOBER 1987

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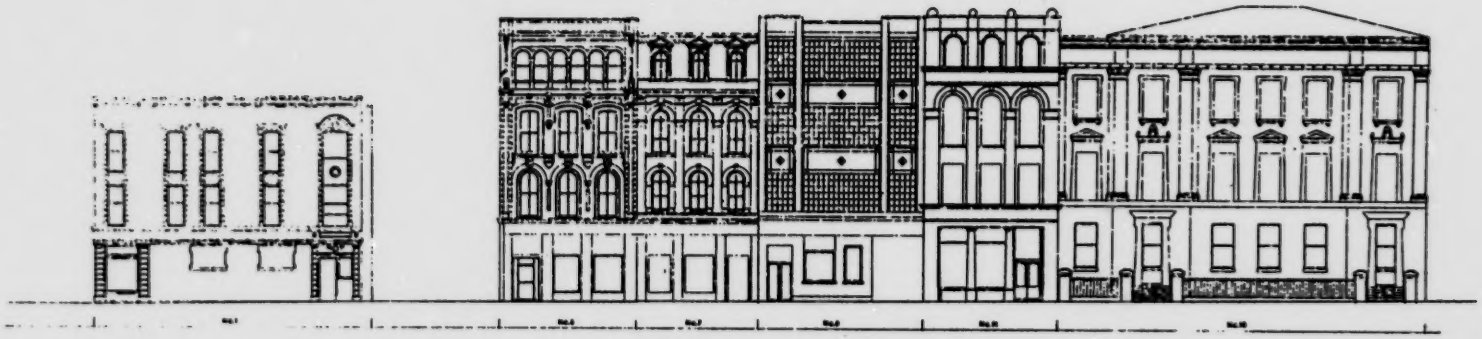

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PROPOSED

WELLINGTON STREET ELEVATIONS

APPLICANT'S DRAWING

APPLICATION NO. 1986

CITY OF TORONTO PLANNING AND DEVELOPMENT DEPARTMENT
Robert E. Millward, Commissioner

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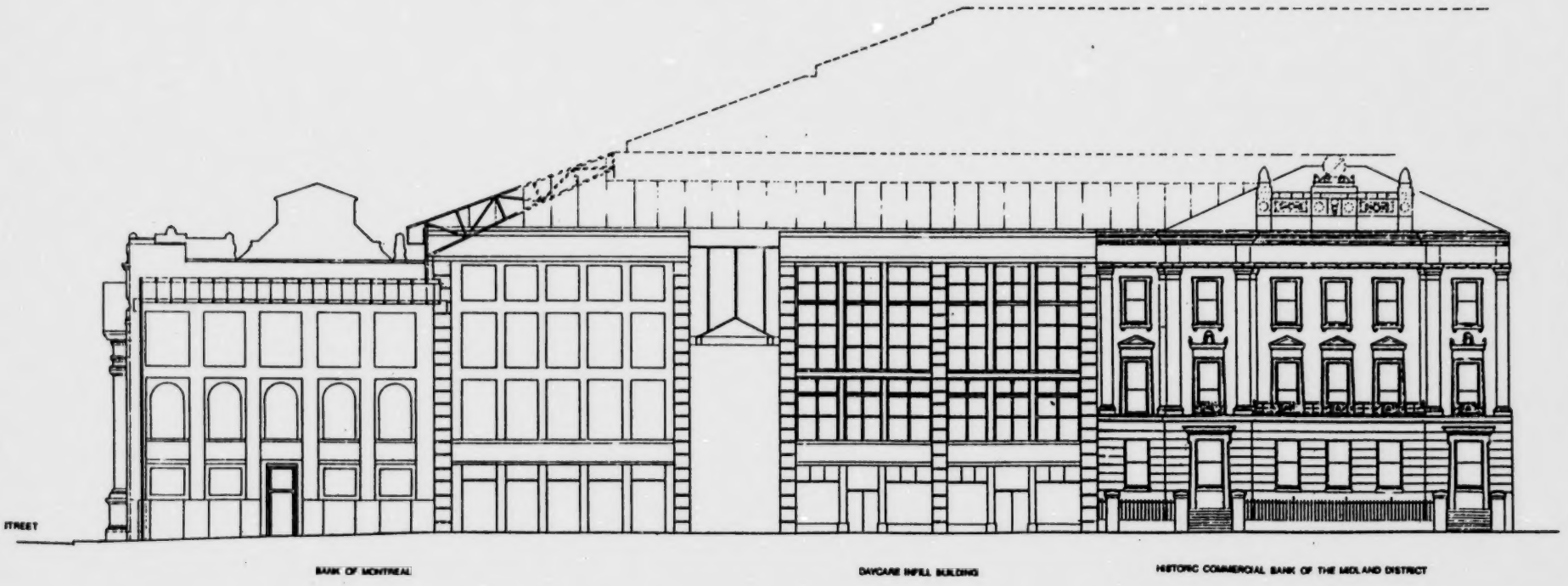
CENTRAL CORE AND WATERFRONT PLANNING DIVISION

OCTOBER 1987



HERITAGE SQUARE LOOKING SOUTH

APPLICANT'S DRAWING

APPLICATION NO. **1986**

CITY OF TORONTO PLANNING AND DEVELOPMENT DEPARTMENT
Robert E. Millward, Commissioner

REDUCED DRAWING

CENTRAL CORE AND WATERFRONT PLANNING DIVISION

NOVEMBER, 1987

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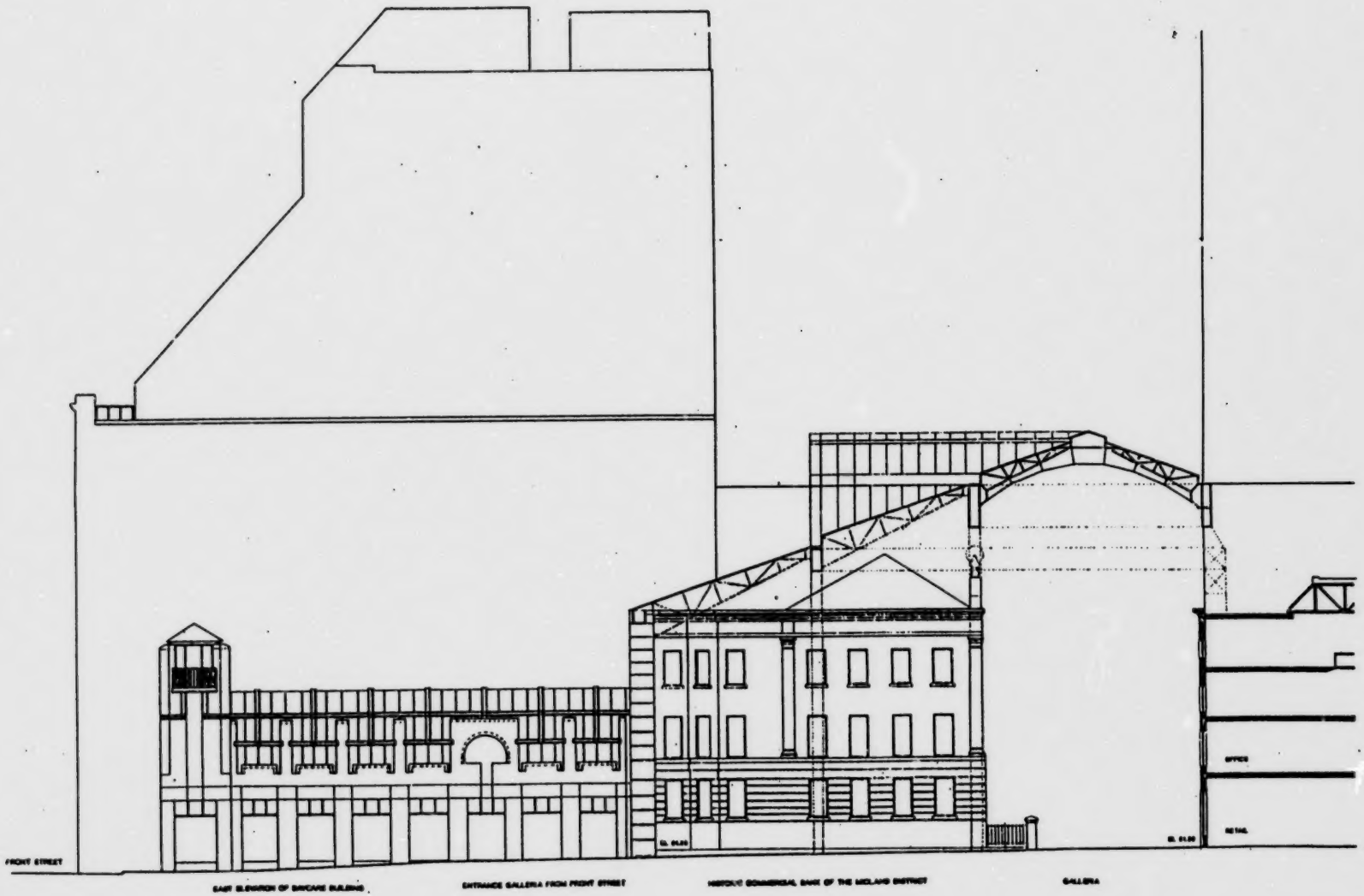

HERTIAGE SQUARE LOOKING WEST

APPLICANT'S DRAWING

APPLICATION NO. 1986

CITY OF TORONTO PLANNING AND DEVELOPMENT DEPARTMENT
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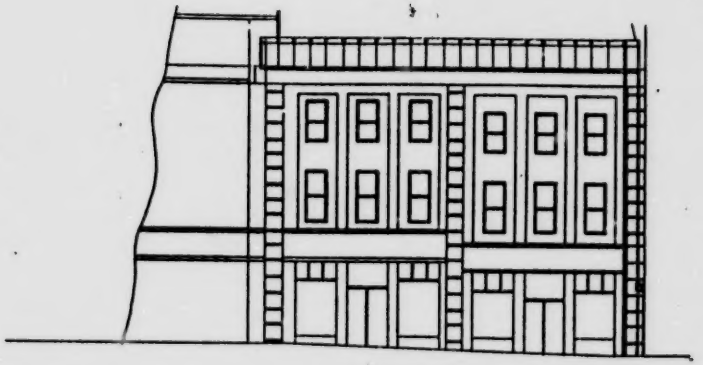
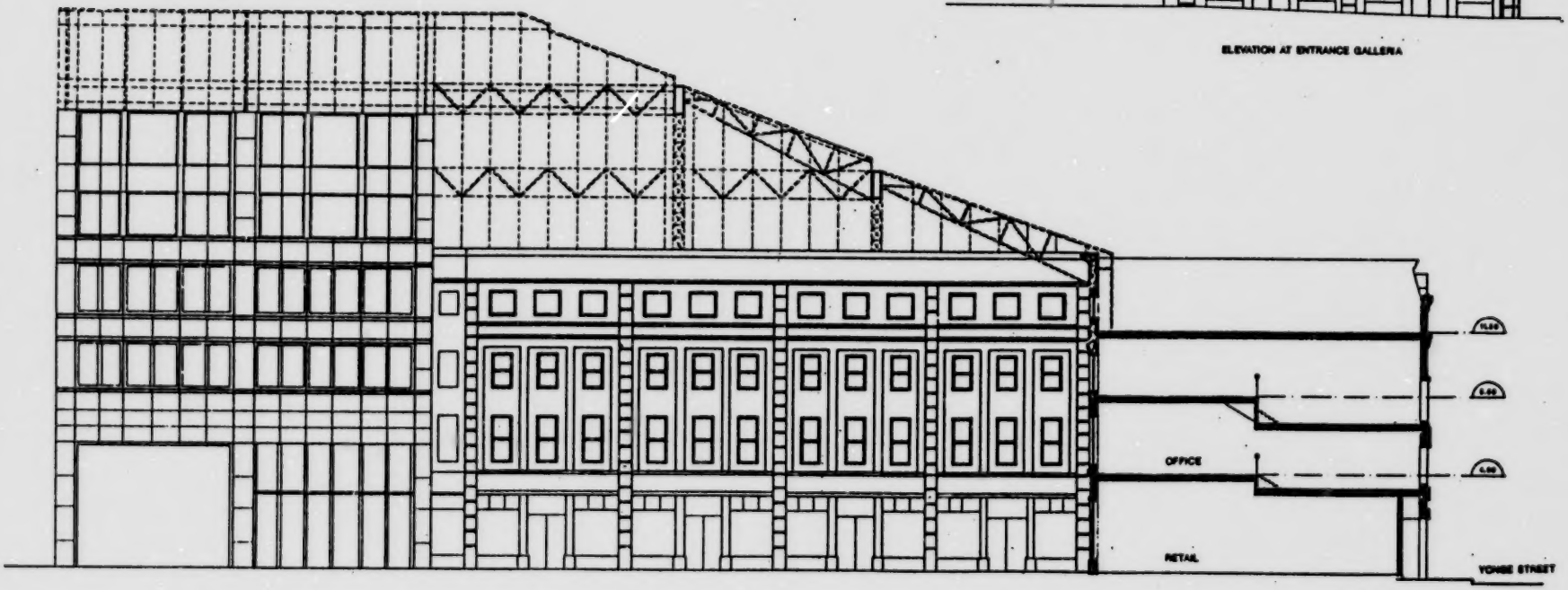
REDUCED DRAWING

CENTRAL CORE AND WATERFRONT PLANNING DIVISION

NOVEMBER, 1987



ELEVATION AT ENTRANCE GALLERIA



BAY WELLINGTON TOWER

HERITAGE SQUARE

HERITAGE SQUARE LOOKING NORTH

APPLICANT'S DRAWING

APPLICATION NO. 1986

CITY OF TORONTO PLANNING AND DEVELOPMENT DEPARTMENT
Robert E. Millward, Commissioner

REDUCED DRAWING

CENTRAL CORE AND WATERFRONT PLANNING DIVISION

NOVEMBER, 1987

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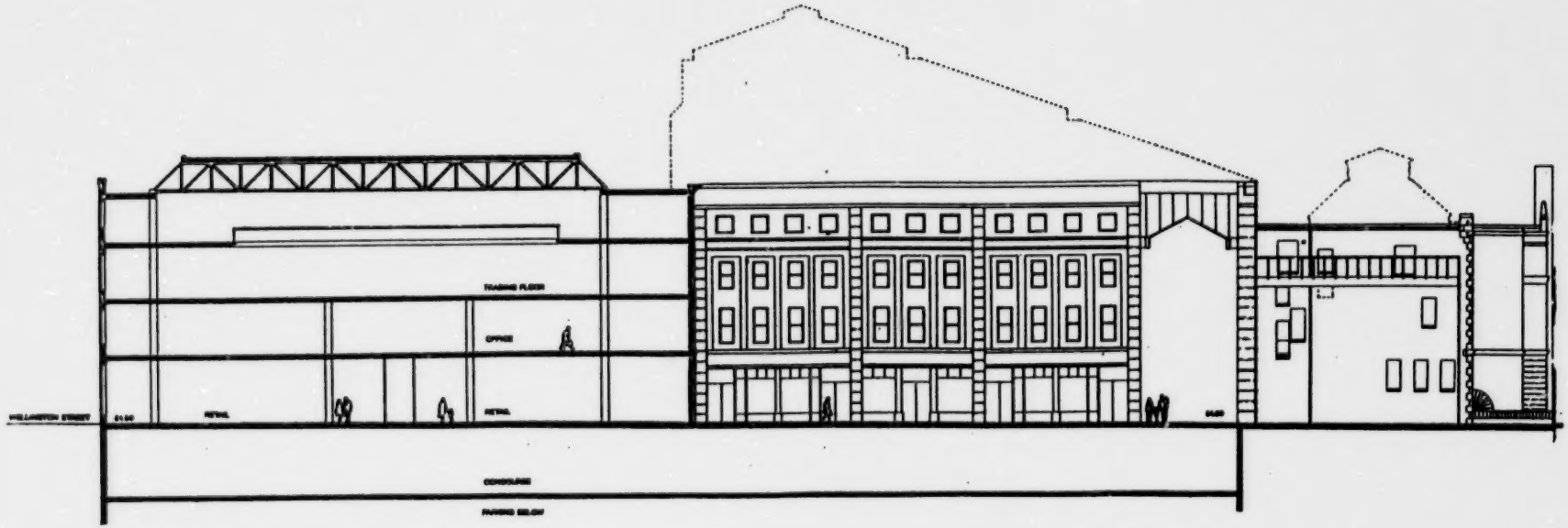

HERITAGE SQUARE LOOKING EAST

APPLICANT'S DRAWING

APPLICATION NO. 1986

CITY OF TORONTO PLANNING AND DEVELOPMENT DEPARTMENT
Robert E. Millward, Commissioner

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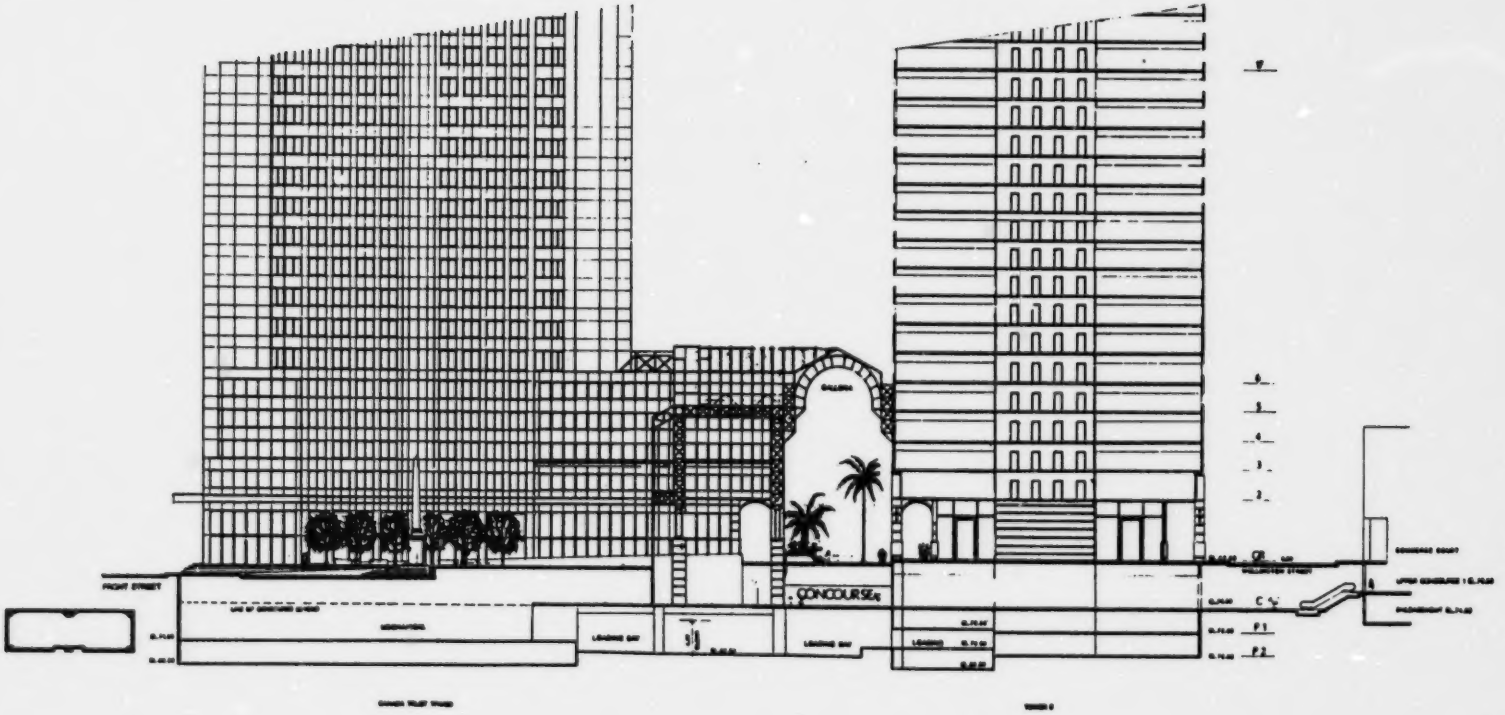
CENTRAL CORE AND WATERFRONT PLANNING DIVISION

NOVEMBER, 1987



GARDEN COURT-NORTH/SOUTH SECTION

APPLICANT'S DRAWING

APPLICATION NO. 1986

CITY OF TORONTO PLANNING AND DEVELOPMENT DEPARTMENT
Robert E. Millward, Commissioner

REDUCED DRAWING

CENTRAL CORE AND WATERFRONT PLANNING DIVISION

NOVEMBER, 1987

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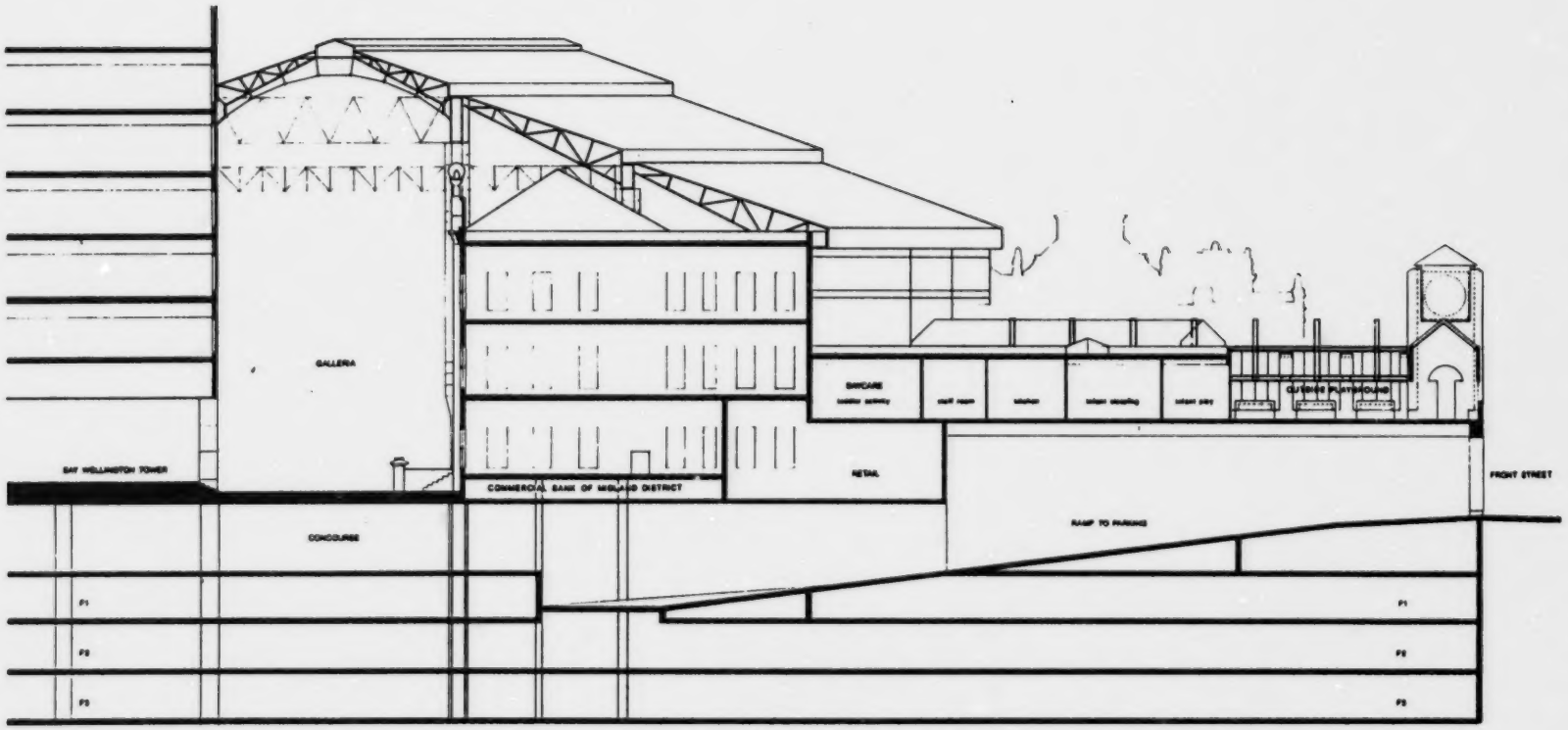

DAYCARE-NORTH/SOUTH SECTION

APPLICANT'S DRAWING

APPLICATION NO. 1986

CITY OF TORONTO PLANNING AND DEVELOPMENT DEPARTMENT
Robert E. Millward, Commissioner

REDUCED DRAWING

CENTRAL CORE AND WATERFRONT PLANNING DIVISION

NOVEMBER, 1987

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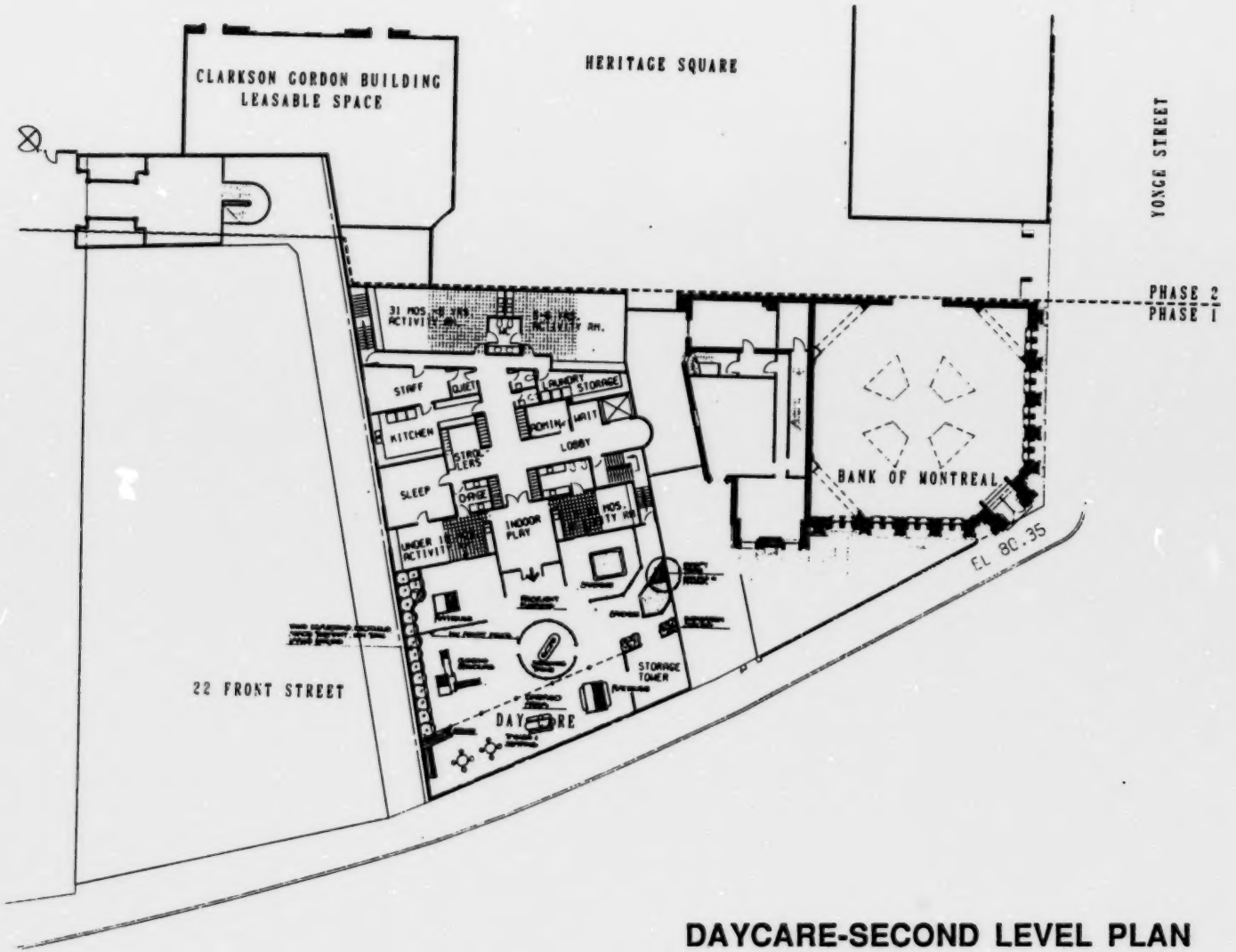


DAYCARE-SECOND LEVEL PLAN

APPLICANT'S DRAWING

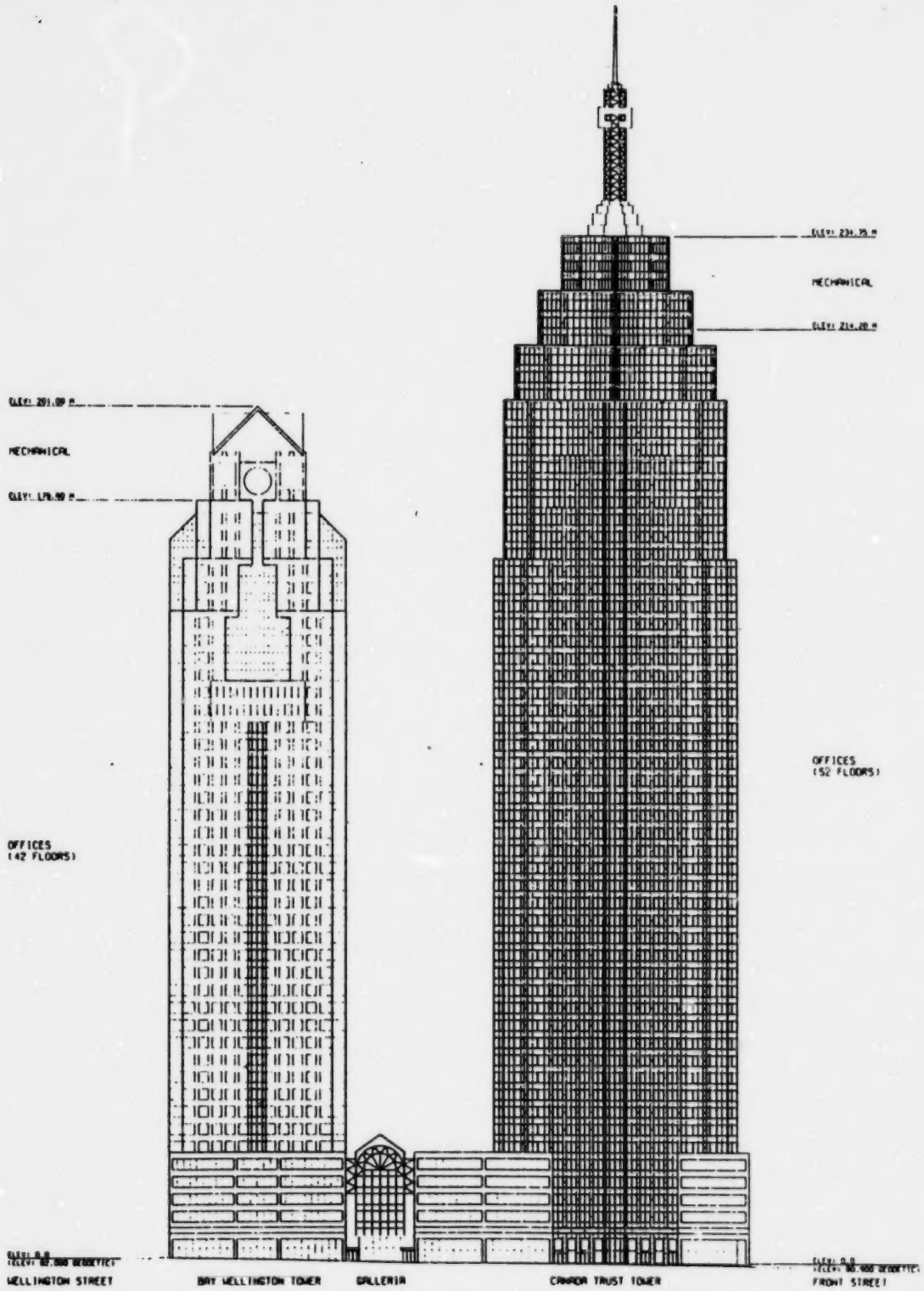
APPLICATION NO. 1986

CITY OF TORONTO PLANNING AND DEVELOPMENT DEPARTMENT
Robert E. Millward, Commissioner

REDUCED DRAWING

CENTRAL CORE AND WATERFRONT PLANNING DIVISION

NOVEMBER, 1987



19

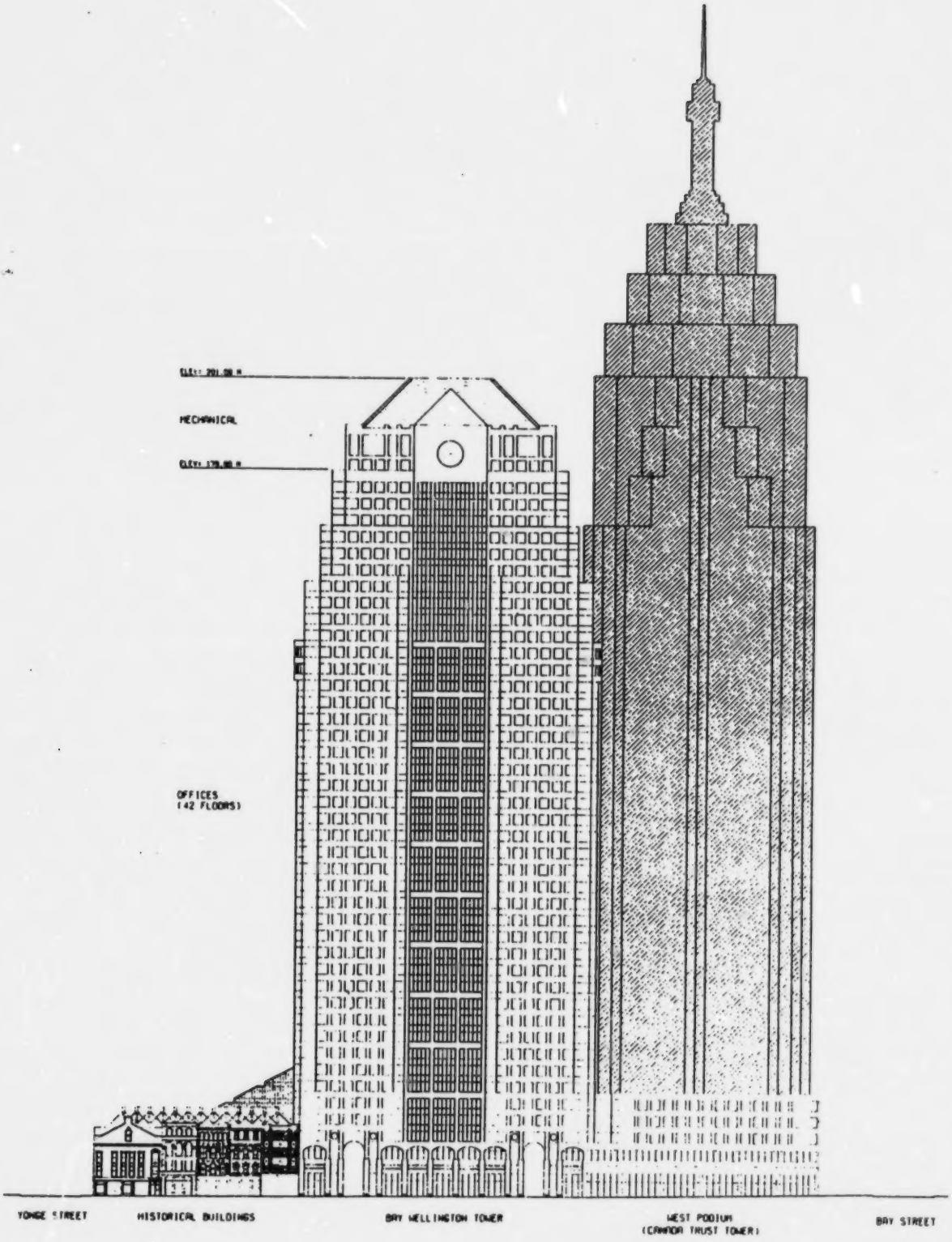
BAY STREET ELEVATION

APPLICANT'S DRAWING

APPLICATION NO. 1986

CITY OF TORONTO PLANNING AND DEVELOPMENT DEPARTMENT
Robert E. Millward, Commissioner — REDUCED DRAWING

CENTRAL CORE AND WATERFRONT PLANNING DIVISION — NOVEMBER, 1987



20

WELLINGTON STREET ELEVATION

APPLICANT'S DRAWING

APPLICATION NO. 1986

CITY OF TORONTO PLANNING AND DEVELOPMENT DEPARTMENT
Robert E. Millward, Commissioner

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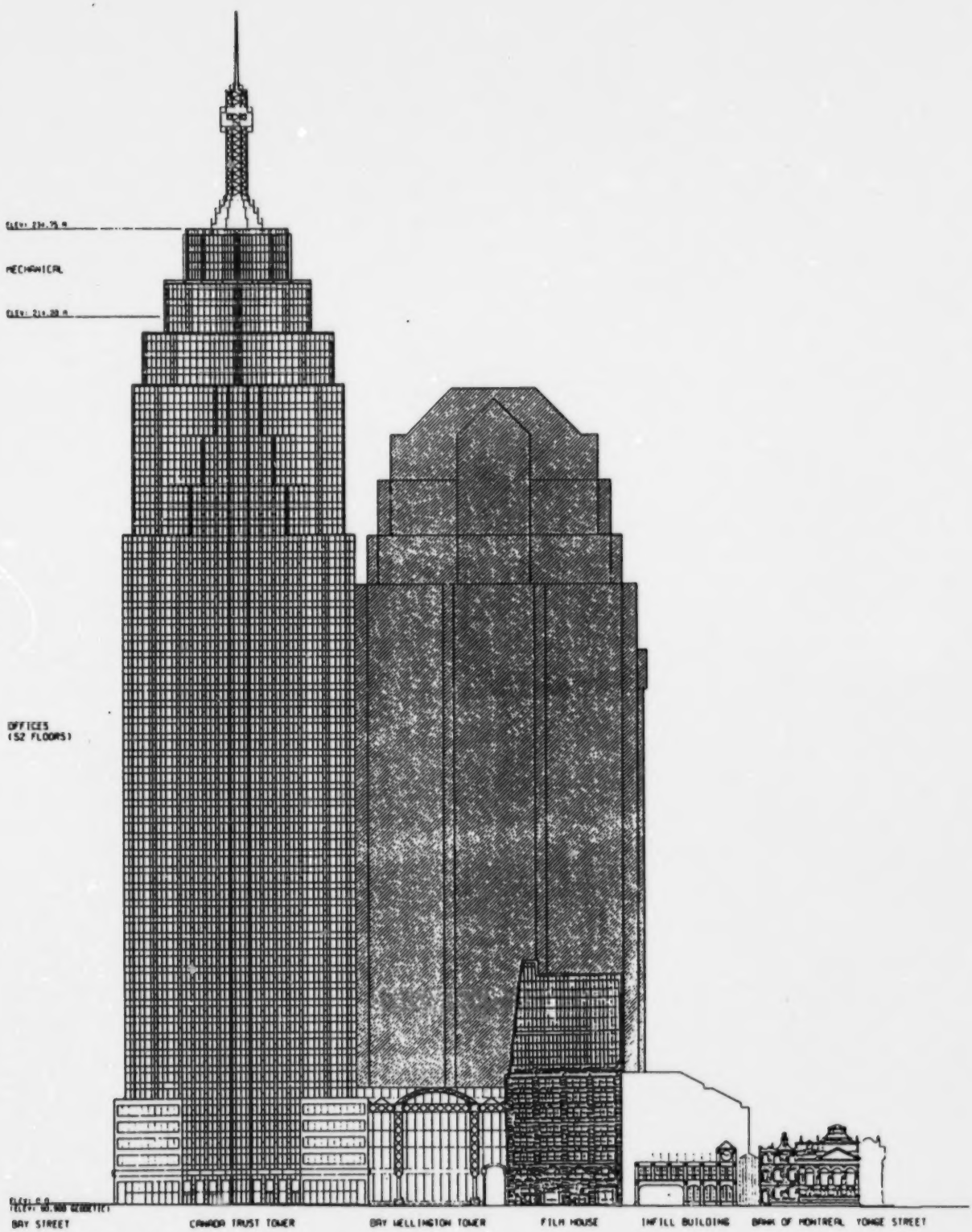
CENTRAL CORE AND WATERFRONT PLANNING DIVISION

NOVEMBER, 1987



21

FRONT STREET ELEVATION

APPLICANT'S DRAWING

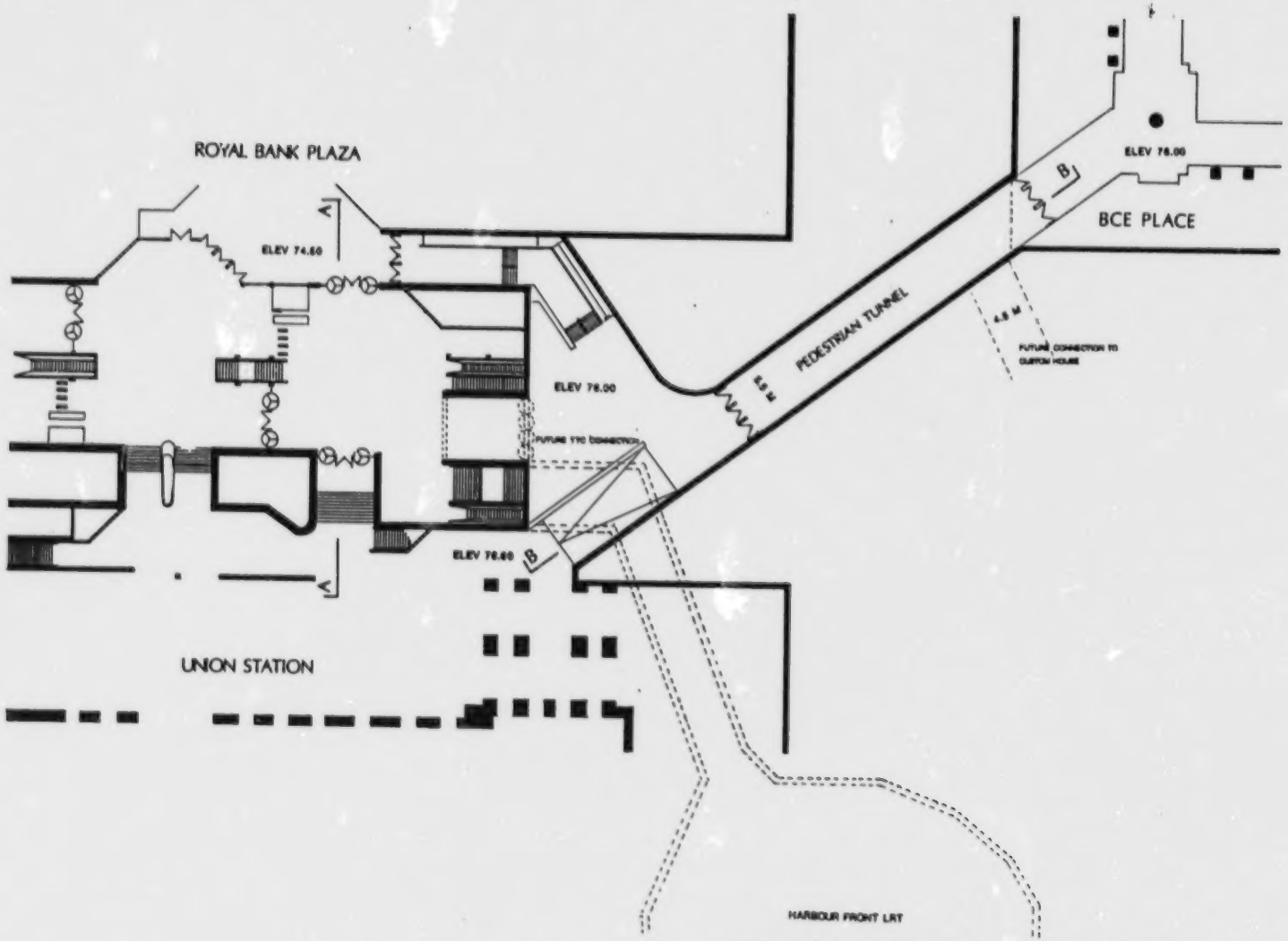
APPLICATION NO. 1986

CITY OF TORONTO PLANNING AND DEVELOPMENT DEPARTMENT
Robert E. Millward, Commissioner

REDUCED DRAWING

CENTRAL CORE AND WATERFRONT PLANNING DIVISION

NOVEMBER, 1987



UNION STATION CONNECTION

APPLICANT'S DRAWING

APPLICATION NO. 1986

CITY OF TORONTO PLANNING AND DEVELOPMENT DEPARTMENT
Robert E. Millward, Commissioner

CENTRAL CORE AND WATERFRONT PLANNING DIVISION

REDUCED DRAWING

NOVEMBER, 1987

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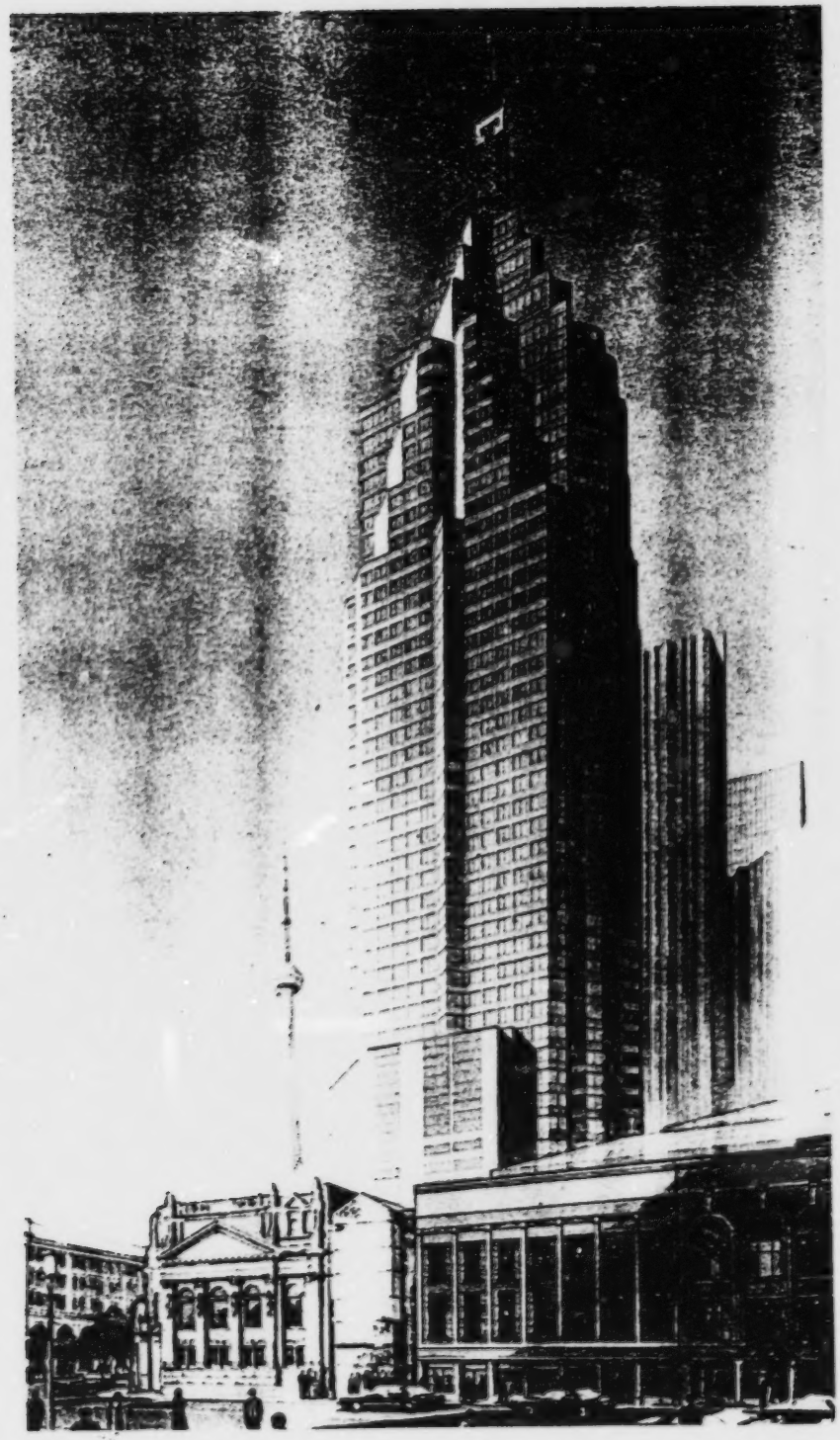


23

PERSPECTIVE
BANK OF MONTREAL-YONGE STREET

APPLICANT'S DRAWING

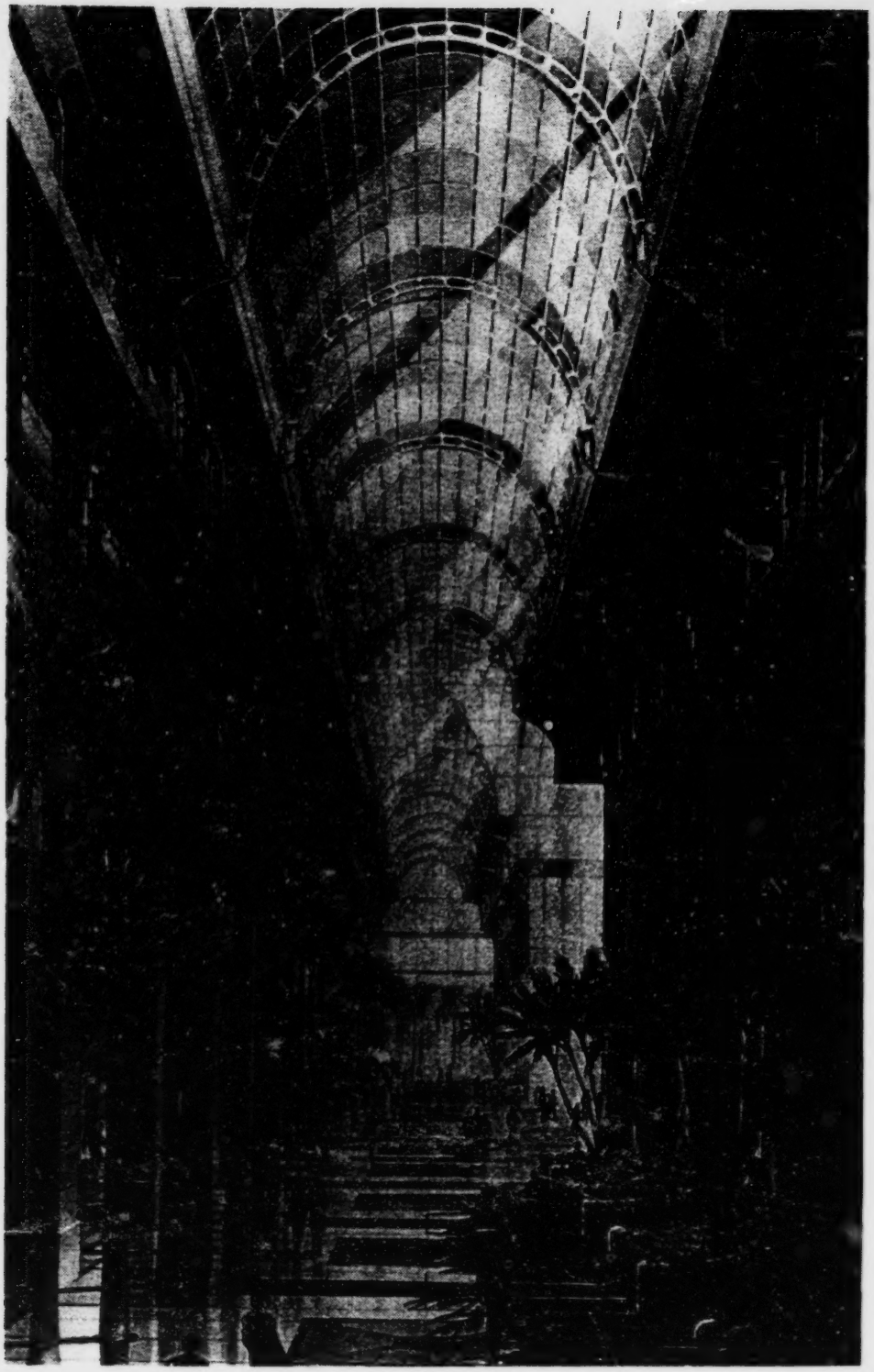
APPLICATION NO. 1986

CITY OF TORONTO PLANNING AND DEVELOPMENT DEPARTMENT
Robert E. Millward, Commissioner

REDUCED DRAWING

CENTRAL CORE AND WATERFRONT PLANNING DIVISION

NOVEMBER, 1987



24

GALLERIA INTERIOR FROM BAY STREET

APPLICANT'S DRAWING

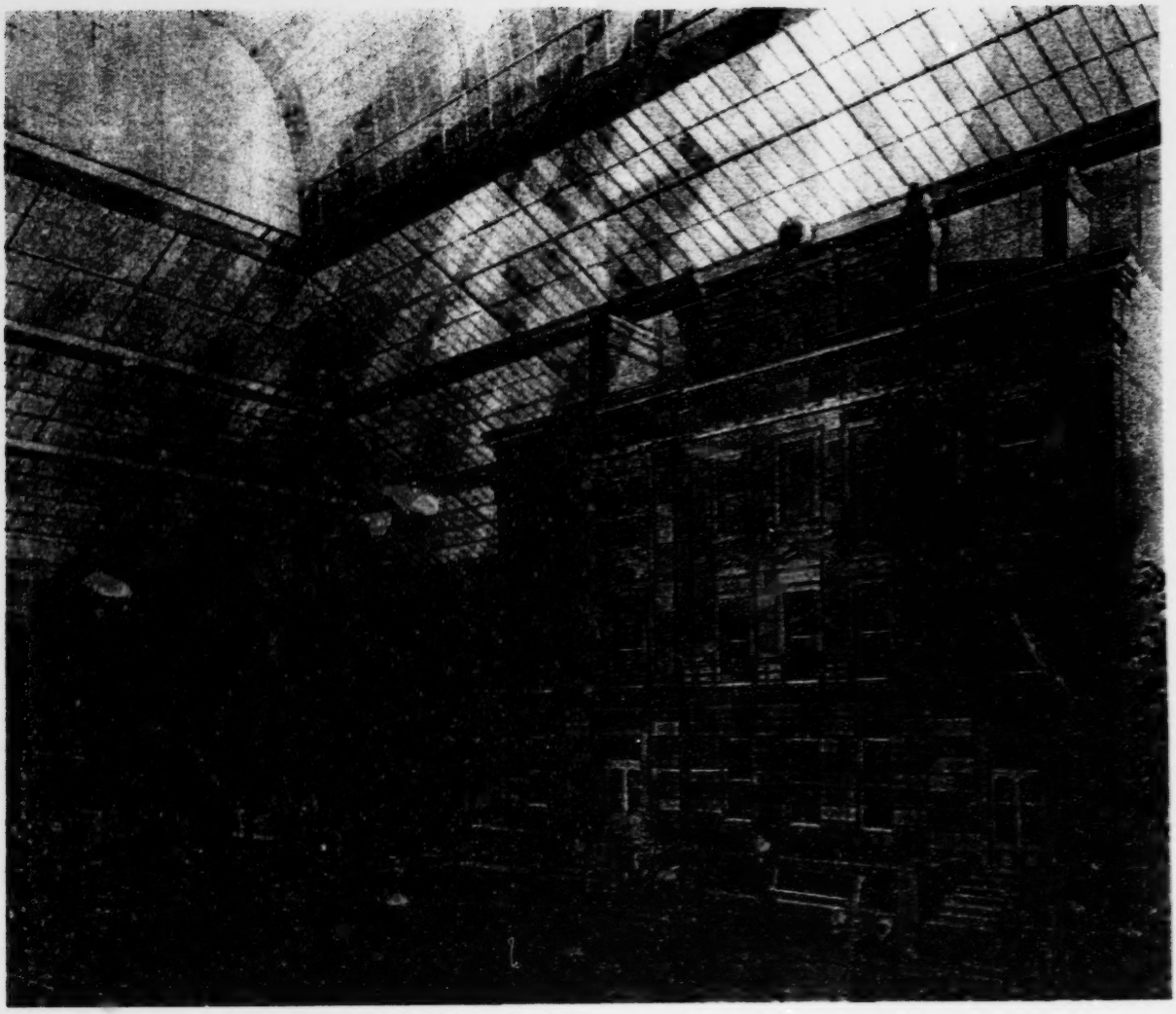
APPLICATION NO. 1986

CITY OF TORONTO PLANNING AND DEVELOPMENT DEPARTMENT
Robert E. Millward, Commissioner

REDUCED DRAWING

CENTRAL CORE AND WATERFRONT PLANNING DIVISION

NOVEMBER, 1987



25

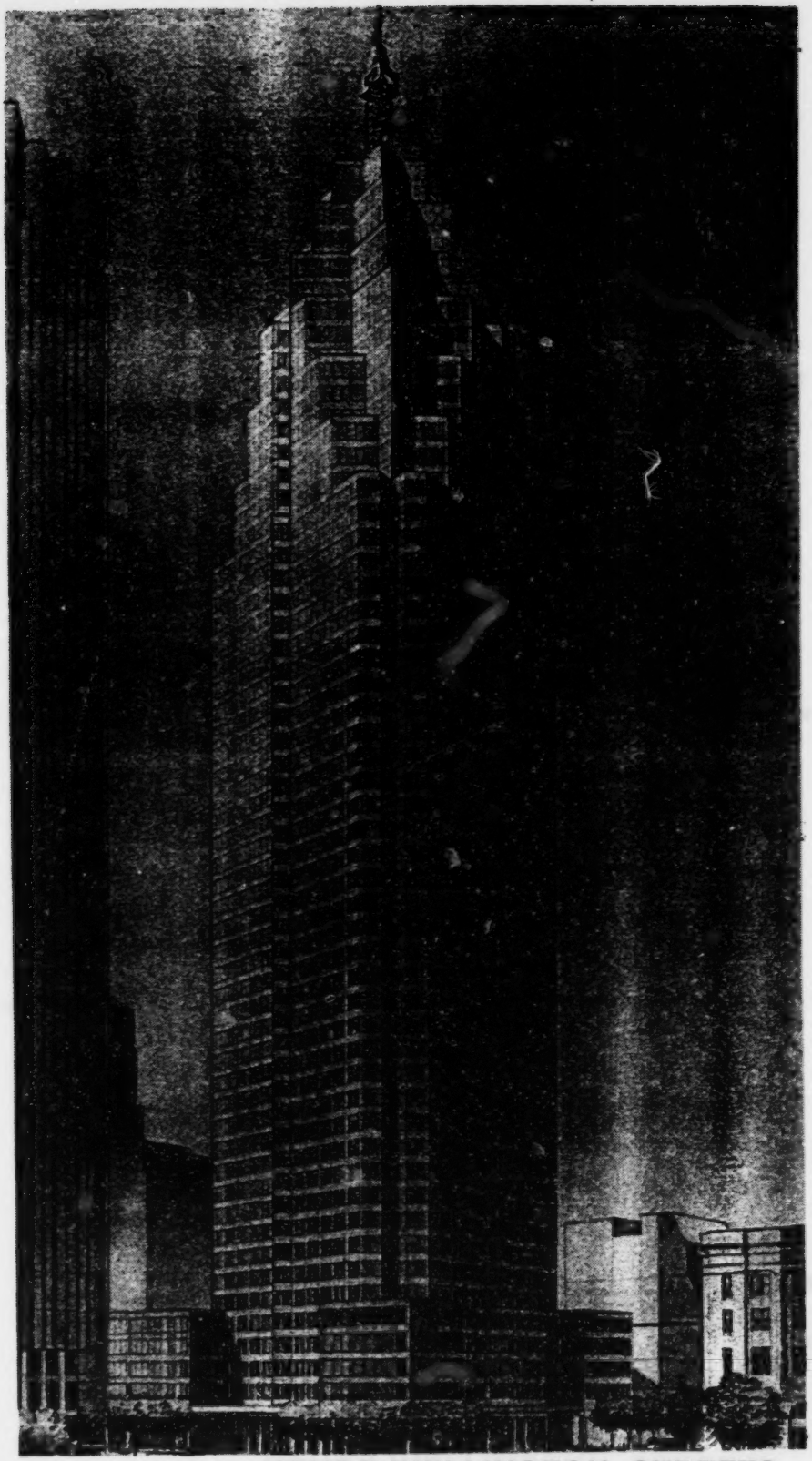
HERTIAGE SQUARE

APPLICANT'S DRAWING

APPLICATION NO. 1986

CITY OF TORONTO PLANNING AND DEVELOPMENT DEPARTMENT
Robert E. Millward, Commissioner — REDUCED DRAWING

CENTRAL CORE AND WATERFRONT PLANNING DIVISION — NOVEMBER, 1987



26

YONGE-WELLINGTON STREETS

APPLICANT'S DRAWING

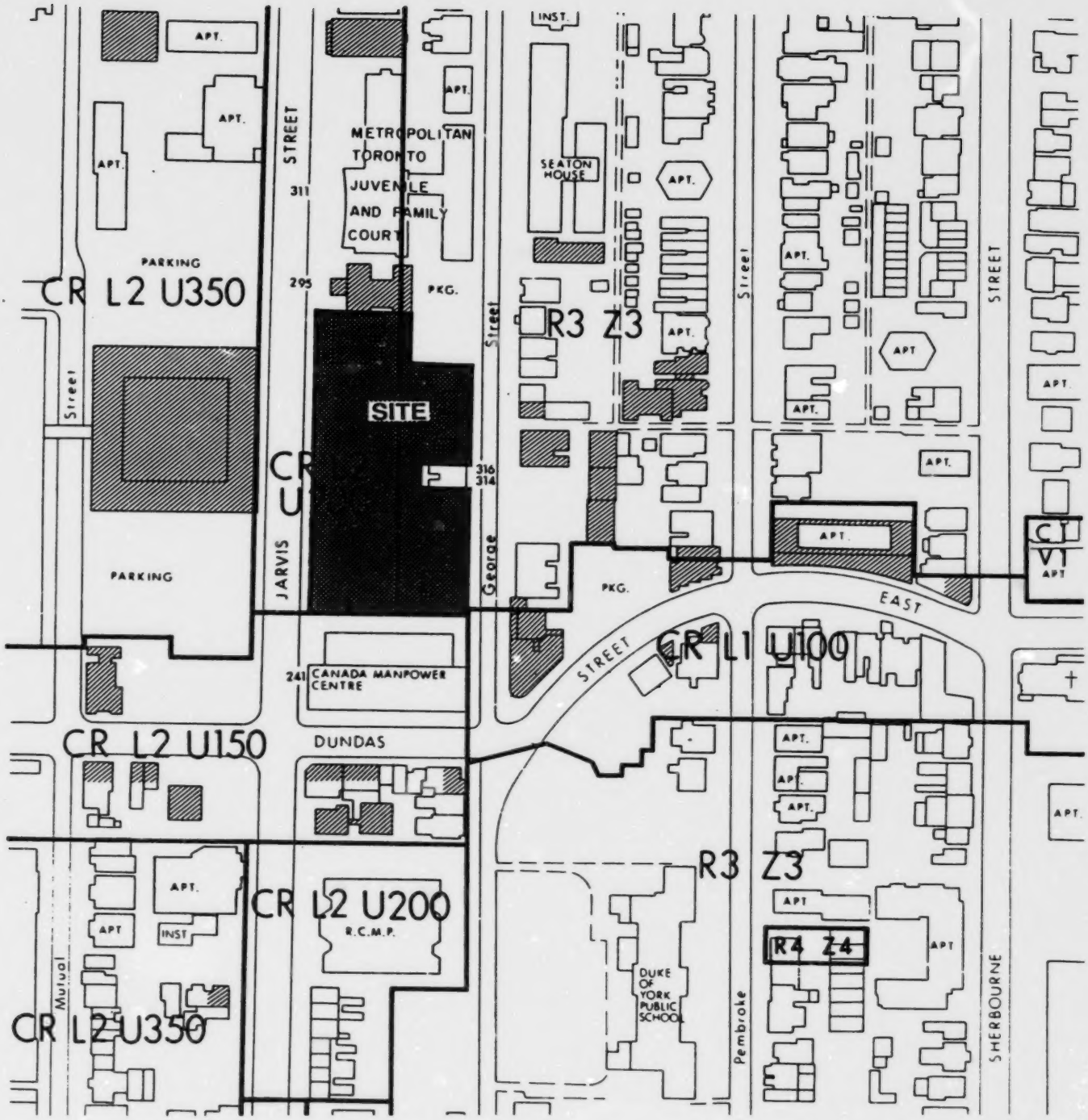
APPLICATION NO. 1986

CITY OF TORONTO PLANNING AND DEVELOPMENT DEPARTMENT
Robert E. Millward, Commissioner

REDUCED DRAWING

CENTRAL CORE AND WATERFRONT PLANNING DIVISION

NOVEMBER, 1987



27

JARVIS-GEORGE HOUSING SITE

APPLICANT'S DRAWING

APPLICATION NO. 1986

CITY OF TORONTO PLANNING AND DEVELOPMENT DEPARTMENT
Robert E. Millward, Commissioner

REDUCED DRAWING

CENTRAL CORE AND WATERFRONT PLANNING DIVISION

NOVEMBER, 1987

CITY OF TORONTO
PLANNING AND DEVELOPMENT DEPARTMENT

545/11986
CC&W/Downtown
December 9, 1987
Mal Williams
392-7862

To: Land Use Committee

Subject: Supplementary Report and Development Review for BCE Place - Yonge, Front, Bay and Wellington Block: Application No. 1986 (Ward 6)

Origin: Commissioner of Planning and Development, upon application by BCE Development Corporation (c711uc87806:81)

Comments:

1. Proposal (see Drawings and fact sheet, Appendix B)

The applicants, BCE Development Corporation, propose:

(a) to build a 53-storey office tower and a 43-storey office tower with retail uses at grade and at the concourse level;

(b) to retain portions of 13 historic buildings on the site and to integrate them into the overall development, entering into Heritage Easement agreements to secure their retention;

(c) to develop a Heritage Precinct including restored historic buildings, a public interior space (Heritage Square) and appropriate infill buildings;

(d) to provide a publicly accessible use (Hockey Hall of Fame) within and adjacent to the historic Bank of Montreal building;

(e) to provide a daycare centre on the site for at least 52 children;

(f) to provide public walkways throughout the site including the Galleria space;

(g) to provide a publicly accessible open space on the site;

(h) to provide a pedestrian tunnel connection to Union Station and the TTC subway;

(i) to provide a site and cash contribution to the City for the provision of assisted housing in Toronto; and

(j) to enter into appropriate agreements to secure all these matters.

2. Location (see Map No. 1)

In the Financial District, between Yonge and Bay Streets and Front and Wellington Streets West.

3. Site (see Drawing no. 2)

The site includes the whole of the block bounded by Yonge Street, Front Street West, Bay Street and Wellington Street West, including a public lane which is to be conveyed to the applicant.

4. Background

My Final Report on Part II Official Plan Amendment and Rezoning for the Yonge, Front, Bay and Wellington Lands: Application No. 1986 - BCE Place dated November 12, 1987 will be the subject of a public meeting to be held on December 11, 1987 by the Land Use Committee. This report recommends minor amendments to the draft Part II Plan and zoning by-law attached to my Final Report and reports on development review under Section 40 of the Planning Act, 1983 for the proposal. This report should be considered together with my Final Report and the report of the City Solicitor dated December 9, 1987.

5. Review by Civic Officials (Appendix A)

Subsequent to the comments included in my Final Report on the Part II Official Plan and Rezoning, I have received comments from the civic officials as listed below:

(a) Commissioner of Public Works (November 26 and December 3, 1987)

(b) Commissioner of Parks and Recreation (November 13 and December 8, 1987)

(c) Commissioner of Buildings and Inspections (December 7, 1987)

(d) Toronto Historical Board (December 8, 1987)

6. Discussion

6.1 Historic Buildings

The retention and integration of the heritage buildings within the new development is provided for in the development review drawings. These drawings will also be included in the Heritage

Easement agreements. The details of their integration will require approval through the Toronto Historical Board when a building permit is sought.

The Commercial Bank is to be located further west than originally proposed in a location satisfactory to the Toronto Historical Board.

The continued retention of the historic buildings is secured under the draft by-law by the threat of loss of all bonus density in the event of a loss of any or all of the buildings. Where the loss is accidental or a result of carelessness this penalty may be too extreme. A new provision is therefore proposed for the by-law which deems the lost historic building to continue to be maintained, restored, conserved and erected if the owners replace the building with one of similar architectural qualities.

At an early stage, before restoration and the Heritage Square have been completed, the intended public benefits of the heritage bonus will not have been achieved even with this replacement building. The owner has therefore offered to pay to the City a sum of $1 million for each building lost before the commencement of construction of the Heritage Square, to be used for the purpose of preserving heritage buildings in the City of Toronto. In the case of the loss of the Bank of Montreal building, a major reason for providing the bonus for the publicly accessible use (the Hockey Hall of Fame) will have been lost. The owner has offered to pay to the City a sum of $3 million in the event of such a loss to be used for the purpose of preserving heritage buildings in the City of Toronto. The potential payment of these sums and the rebuilding of the buildings may provide the basis for renegotiation between the City and the owner in the case of a major loss of heritage buildings.

6.2 Heritage Square

The provision of the Heritage Square as a focus for the Heritage Precinct is secured both through the by-law and the Section 36 agreement as part of Phase II of the development. The public space to be provided is shown on drawing 7 and includes the square itself plus a portion of the Galleria space extending in front of the Commercial Bank of the Midlands District, as relocated, to a point 6 metres west of the Bank building. The total area of the space is to be not less than 1525 square metres in size of which 1400 square metres is located east of the west end of the Bank building within Area D of the zoning map. These numbers are slightly lower than in the Final Report as they now exclude the connecting walkways to Yonge and Front Streets which are secured under Section 40. The whole of the square is also defined as a

walkway under Section 40 and is to be accessible to the public during the hours of subway operation.

The square is intended to reinforce the scale and character of the heritage buildings around it. The treatment of the surrounding facades is critical to its success as are the landscaping elements within the square which have yet to be designed. To retain the scale and integrity of the square, it is required that the entire area have a clear height of 14 metres above grade within which only structural columns, lighting, cornices, awnings, railings, works of art, landscaping elements and unenclosed structures less than 6 metres in height would be permitted to be erected.

6.3 Bank of Montreal

The Bank of Montreal building is to be restored and conserved in its entirety. The north face of the building which is a blank wall is to be refaced on the Heritage Square side in a manner compatible with its other facades and the adjacent facades within the Square. It is proposed to use the main banking hall as a display area for the Hockey Hall of Fame. The main entrance is to be from the Heritage Square. An area of about 3250 square metres (35,000 s.f.) within the area shown on Drawing 6 attached as "community service space", is to be connected to the ground floor of the bank by escalators. The exact outline of this area and details of its development have yet to be determined.

6.4 Daycare

The daycare centre for at least 52 children is to be located at the second level of a two-storey building on Front Street West as shown in drawings 8 and 31 attached. The facility has a total floor area of 530 square metres (5700 s.f.) with an outdoor play area of about 350 square metres (3770 s.f.). The Ontario Ministry of Community and Social services has been consulted on the planning of the daycare space and has confirmed that the present design can be approved in principle. Further detailed design of the interior and exterior areas of the centre are to be submitted to the Commissioner of Planning and Development for his approval under the terms of the Section 36 agreement.

The outdoor area is to be protected from traffic noise and fumes by a glazed screen along Front Street. Conditions of wind and sun have been studied for this area and are predicted to be suitable for a children's playground.

Access to the centre from ground level is by elevator from the enclosed walkway leading from Front Street to the Heritage Square. This provides weather protected access from either King or Union subway stations. The elevator will also connect to each level of

the underground parking, providing access for parents making use of the short-term drop-off privileges which are secured in the Section 36 agreement.

6.5 Public Art

The applicant has issued an international proposal call to 14 artists to provide ideas for collaborative work with the project architects and landscape architects within the public areas of the development. The artists are focussing on the Garden Court, the west wall of 20 Front Street West, the Galleria, Heritage Square, the glazed roof structure, floor surfaces and building lighting. The public art program will provide collaborative works of art throughout the public areas of the development with a value equivalent to 1% of the total construction costs.

6.6 Pedestrian Environment

A pedestrian level wind study and a sun and shade study have been completed for the development site. The wind study indicates slight increases in wind velocities along Front Street and Wellington Street occurring as a result of the new development. Bay Street would experience calmer conditions than present. Only one location on the surrounding sidewalks show serious increases in wind velocity: that is at the southwest corner of Yonge and Wellington Streets. As the buildings here are historic, it is difficult to take substantial measures to improve the conditions at this corner. Remedial measures should be considered when detailed landscaping is being designed. The Garden Court area and Commerce Court will both experience slight increases in wind conditions.

Garden Court, Heritage Square and the daycare open space are all located so as to benefit from the excellent southerly exposure of the site. They will experience optimum sun conditions around noon. The placement of the two office towers will seriously limit direct sun to Commerce Court during the lunch hour period through much of the year. 6.7 Public Walkways

Public walkways are to be provided throughout the site at both the ground level and at the concourse level as shown on drawings no. 6 and 33 attached to this report. The walkways include the entire Galleria space, Heritage Square and connecting links to Yonge Street, Front Street West and Wellington Street West. They connect through the lobby of the Canada Trust Tower and through the public open space. Below grade, the walkway connects from the proposed tunnel under Front and Bay Streets to the future tunnel under Wellington Street West, with links to the public open space and the walkways at grade.

The walkways are to be open to the public during the hours of subway operation and are generally to have a clear width of 5 metres.

6.8 Public Open Space

A major open space, the Garden Court, is to be provided as shown on Drawing 7 attached. The minimum area to be provided is defined in the draft by-law as 1500 square metres with a minimum dimension of 28 metres required in the Section 36 agreement. The space provides pedestrian access from Front Street to the Galleria as well as a relatively calm sitting area. The Garden Court slopes upward from Front Street to the Galleria. At the north end a wide set of stairs and a sitting area lead down to the concourse level. Full public access to this space during the hours of subway operation is secured through the Section 36 agreement.

6.9 Landscaping

The drawings which have been submitted contain only basic information about the proposed landscaping of the open areas of the site. The applicant is awaiting the results of the Public Art proposal call before finalizing the landscaping design. This is also the case with respect to landscaping within the interior public areas of the site and the surrounding public sidewalks. The development agreement and collateral agreement will require that details of the landscaping, paving, lighting and furnishings of the open areas, the public walkways and the public sidewalks be submitted for approval by City Council before May 1, 1988 with respect to Phase I and before the issuance of a building permit with respect to Phase II. The owner will be required to provide and maintain these facilities on the site in accordance with the approved drawings and to provide the landscaping improvements on the public sidewalk.

Landscaping drawings will be required for portions of the Phase II area which remain open if Phase I proceeds separately from Phase II. The owner will be required to provide and maintain such landscaping until Phase II commences.

6.10 Street Related Retail and Service Uses

It is proposed to amend the distribution of street-related retail and service uses on the block from that proposed in the draft by-law in my Final Report. The total frontage which faces such uses remains 310 metres which represents 60 percent of the lot frontages other than the portions facing the public open space on Front Street West and the Galleria on Bay Street. This is consistent with the objectives of the Official Plan. The frontage of the Bank of Montreal Building (45 metres) has been excluded

from the requirements for Area D because the Hockey Museum does not meet the definition of street-related retail uses although it does meet the intention.

A number of the existing heritage buildings have main floor levels above the sidewalk level and accessible only by steps. The slope of the site makes it difficult to achieve grade level access in every case, particularly along Front Street West. The proposed definition of street-related retail and service uses therefore excludes the existing heritage buildings and those fronting on Front Street West from grade level access. The heritage buildings are also to be exempted from the similar provisions of Section 8(3) Part XI 3 of the Zoning By-law.

6.11 Servicing and Parking

All truck access to both Phases of the development is by ramp from Front Street West to an underground loading area shown on drawing 5 attached. In Phase I of the development 4 Type B and 4 Type C spaces are to be provided. In Phase II a further 1 Type A, 2 Type B and 4 Type C spaces are to be provided in accordance with the Zoning By-law. During Phase I the additional loading spaces will be displaced by two temporary floors, bridging the space and providing access to the parking garage. The applicant proposes to provide courier parking below grade at the bottom of the Front Street ramp.

The Commissioner of Public Works has specified requirements for garbage storage if City garbage collection service is requested.

Parking access is from Front Street West in Phase I and from Wellington Street West in Phase II. The impact of this pattern of access was studied The provision of 1415 parking spaces for the two Phases is acceptable to the Commissioner of Public Works. This figure includes the provision of 23 spaces required by the development agreement for 304320 Bay Street. He has expressed a concern, however, that if housing were to be added to the site at some future date in accordance with the by-law, the parking supply would need to be reassessed.

Parking for handicapped users is to provided in each phase of the development with at least 7 spaces designated in locations convenient to the elevators in each phase.

Parking for 20 bicycles in each phase is to be provided within the development in locations convenient to main building entrances.

6.12 Lane conveyance

The public lane extending south from Wellington Street West constitutes a part of the development site. The development agreement cannot be entered into until the lane has been conveyed to the applicants.

6.13 Road Widening

The Commissioner of Public Works has concluded that a southbound left turn lane should be provided at the intersection of Bay Street and Front Street West in conjunction with the development of this site. He requires that a conveyance of a road widening of up to 3 metres in width be provided along the Bay Street frontage from the north side of Front Street West to a point 81.5 metres north of Front Street West to accommodate the proposed turn lane. The area more than 1.2 metres below grade could be used by the owner for the construction of an underground garage.

It is proposed that the need for this widening be identified in the Official Plan with respect the comprehensive redevelopment of the block and that the conveyance be required under Section 40 of the Planning Act to be completed prior to the issuance of a building permit on the lot. The Zoning By-law provides that the density attributed to the area conveyed may be retained on the remaining lot.

6.14 Subway Right-of-way

The subway passes beneath a portion of the site at the corner of Yonge and Front Streets, under the Bank of Montreal. Construction in this area is restricted by By-law 17781 which does not permit buildings to bear on the subway structure.

6.15 Other Matters

The requirements of the Commissioner of Public Works respecting the provision of vaults, manholes, legal descriptions and surveys and regarding Noise Impact Studies and municipal numbering are included in the recommendations of this report.

7. Amendments to Drawings for Development Review

As a condition of approval the submitted drawings should be amended to address the following concerns;

(a) Exit doors adjacent to sidewalks or walkways should be recessed such that no doors encroach over the travelled way when open;

(b) Drawing DR-2 should be amended to provide for a structural slab depression of at least 1200 mm in order

to accommodate the landscaping shown on the submitted plan;

(c) Drawing DR-2 should be amended in consultation with the Commissioner of Parks and Recreation to include a provision for the support poles, flowering baskets and wreaths necessary to undertake the implementation of the Blooming of Bay Street Programme throughout the development site; and

(d) The elevations of the lower 5 floors of the two towers and the attached podiums have been changed considerably in the recent drawings submitted for approval (see Drawings DR-18, 19, 22, 23 and 32). Much of the detail and pedestrian scale of the building elements has been lost. The facades at the street level have become long and monotonous with wide column spacing and little variation in the building line. This is particularly noticeable along Wellington Street West. The walls of the Galleria (DR-32) will not resemble those shown in the perspective views which accompanied my Final Report.

The opportunities which are to be gained through the comprehensive development of a block can easily be overshadowed by the threat of homogenous architecture. The BCE Place development has one of the best opportunities to avoid this with the presence of the historic buildings on the site. Most of the problems are to be found in Phase II of the development and it is expected that further refinements of the design will take place. However, Phase I appears to be setting the pattern and amendments are needed to address this concern.

The drawings should be amended as a condition of approval to the satisfaction of the Commissioner of Planning and Development. The following objectives should be met in the revisions of these drawings:

(i) articulation of the building facade to break it down into smaller segments;

(ii) narrower column spacing along the street edge on Bay Street and within the Galleria; and

(iii) variety in the pedestrian experience along the street frontages.

8. Part-lot Control

The applicant has requested that part-lot control be lifted from this block to relieve the Committee of Adjustment of the burden of repeated applications with respect to technical matters related to construction financing and other such issues during construction. I have no objection to the removal of part-lot control once the site specific zoning is in place. The zoning should provide the City with any necessary control on the development of the site. I am recommending that the City Solicitor prepare such a by-law for enactment subsequent to the coming into force of the Zoning By-law amendment.

Recommendations:

1. That the draft Part II Plan for the Yonge, Front, Bay and Wellington Lands be amended to add the following provision:

   "7.5 Council shall seek a widening of Bay Street to the extent of an additional 3 metres on the east side of Bay Street extending from the north side of Front Street West to a point 81.5 metres north of Front Street West for the purpose of accommodating a turning lane."

2. That the draft by-law to amend By-law No. 438-86 as contained in Appendix B to my Final Report on Application No. 1986 dated November 12,1987 be amended as follows:

   (a) delete subsection 4(4) and replace with the following:

   "4(4) the buildings erected or used on the Yonge, Front, Bay and Wellington Lands contain street-related retail and service uses facing a minimum aggregate length of:

   (a) 79 metres of frontage on the aforesaid Area A;

   (b) 72 metres of frontage on the aforesaid Area B;

   (c) 16 metres of frontage on the aforesaid Area C; and

   (d) 98 metres of frontage on the aforesaid Area D;"

   (b) amend subsection 4(5)(e) by providing for a space of not less than 1525 square metres in size having a clear height of not less than 14 metres above grade, provided that not less than 1400 square metres of such space is located in the aforesaid Area D;

   (c) amend subsection 4(5)(f) by removing the words "and having no dimension less than 28 metres";

(d) add the following provision:

"4(8) for the purposes of Sections 4(5)(a), (b) and (c) and 4(7), in the event that the Bank of Montreal Building or any substantial portion of such building or all or any substantial portion of any other building and/or a facade thereof referred to in Section 4(7) is destroyed or irreparably damaged by any cause not attributable to the deliberate act or omission of the owners of the Yonge, Front, Bay and Wellington Lands, it shall nevertheless be deemed to continue to be maintained, restored, conserved and erected for the purposes of this by-law, provided that:

(a) the owners of the Yonge, Front, Bay and Wellington Lands rebuild such building or facade of such building, as the case may be, in accordance with and subject to the agreements referred to in Section 4(6) herein; and

(b) the owners of the Yonge, Front, Bay and Wellington Lands pay to the City the following sums, in accordance with and subject to the provisions of the aforesaid agreement pursuant to Section 36 of the Planning Act, 1983, for the purpose of preserving heritage buildings in the City of Toronto:

(i) in the case of the Bank of Montreal Building - $3,000,000.00; and

(ii) in the case of any other such building - $1,000,000.00, unless such damage occurs after the commencement of construction of the northerly wall of the interior space referred to in Section 4(5)(e) herein;

(e) exempt the lot from the provisions of Section 8(3) Part XI 3 of the aforesaid By-law 438-86 and include the following provision:

"4(9) no building or structure erected or used on the Yonge, Front, Bay and Wellington Lands, exclusive of a building or structure that was erected on such lands on the date of enactment of this by-law, shall be used for a commercial use unless:

(a) the main floor is located within 0.2 metres of the sidewalk level directly opposite the primary entrance of such building;

(b) the main floor use has a depth of not less than 4.6 metres; and

(c) said primary entrance to the building and to the main floor is directly accessible to the sidewalk by means other than one or more steps or is directly accessible by a ramp inclined at a slope not exceeding 4 percent to the horizontal plane"; and

(f) amend the definition of "street-related retail and service uses" in Section 8 by exempting from provision (ii) the existing heritage buildings and those fronting on Front Street West.

3. That subject to the coming into force of the site specific by-law referred to in my Final Report on Application No. 1986 dated November 12,1987, your Committee recommend that City Council approve the plans and drawings submitted with this application, namely Nos. DR-1, DR-3, DR-14, DR-16, DR-17, DR-18, DR-19, DR-20, DR-21, DR-22, DR-23, DR-24, DR-25, DR-26, DR-27, DR-28, DR-29, DR-30, and DR-31, dated as received December 1, 1987, and Nos. DR-2, DR-4, DR-5, DR-6, DR-7, DR-8, DR-9, DR-10, DR-11, DR-12, DR-13 and DR-15, dated as received December 8, 1987 all prepared by Bregman and Hamann, Architects and Engineers, other than those portions of the landscaping located within the rights-of-ways of streets, all as on file with the Commissioner of Planning and Development, as further amended to address the concerns outlined in Section 7 of this report and as a condition of such approval, require the owner to enter into a Section 40 agreement requiring that:

(a) the proposed development, including the landscaping of the site and in the Phases I and II so indicated, shall be undertaken and maintained substantially in accordance with the drawings referred to above as amended to address the concerns outlined in Section 7 of this report; (b) prior to the issuance of any building permit for the development, the owner shall convey to the City, at nominal cost:

(i) a 3 metre wide strip of land abutting the east limit of Bay Street from Front Street West to a point 31.5 metres north of Front Street West; and

(ii) a triangular strip of land abutting the east limit of Bay Street having a width of 3 metres at a point 31.5 metres north of Front Street West and tapering to a width of 0 metres at a point 81.5 metres north of Front Street West;

such lands to be free of all encumbrances and subject to below grade rights in favour of the Grantor to a depth not less than 1.2 metres below finished grade for the purpose of constructing an underground garage and subject to a right-of-way for access purposes in favour of the grantor until such time as the said lands have been laid out and dedicated for public highway purposes;

(c) the owner shall provide and maintain within the development walkways generally as shown on Drawing Nos. DR-6 and DR-7 referred to above and that such walkways shall be:

(i) open to the public at least during the hours of subway operation;

(ii) illuminated to a minimum average intensity of 10 lux on the walkway surface;

(iii) generally a minimum of 5 metres in clear width; and

(iv) maintained clear of snow and ice at all times;

(d) the owner shall provide and maintain a garbage storage area at least 1 cubic metre in size in each retail store established, if City garbage collection service is requested;

(e) the owner shall provide and maintain a separate garbage storage area in each restaurant established, if City garbage collection service is requested;

(f) at least 7 spaces in Phase I and 7 spaces in Phase II of those parking spaces required to be provided by the Zoning By-law shall be located as identified by the letter H on drawings No. DR-3, DR-4 and DR-5 referred to above, and shall be clearly designated for the exclusive use by disabled persons by means of the International Symbol of Accessibility for the Handicapped;

(g) the owner shall have submitted to, and have had approved by City Council, details of the landscaping, paving, lighting and furnishing of the open areas and the public walkways shown on drawing No. DR-2 referred to above prior to May 1, 1988 with respect to Phase I development and prior to the issuance of a building permit with respect to Phase II and further, the owner shall agree to provide and maintain such landscaping, paving, lighting and furnishings as shown on the drawings approved by City Council;

(h) the owner shall provide and maintain within the development and convenient to main building entrances a total of 20 bicycle parking spaces in Phase I and 20 bicycle parking spaces in Phase II;

(i) the owner will provide for pedestrian tunnel connections under Bay Street, Front Street West and Wellington Street West as indicated on the aforesaid Drawing No. DR-6:

(j) if the owner chooses to make application for a building permit for one Phase at a time separate from the other, the owner shall within four months of the first such application have submitted to, and have had approved by City Council, details of the interim landscaping, paving, lighting and furnishing of the open areas of the portions of the lands comprising the second Phase and the owner shall agree to provide and maintain such landscaping, paving, lighting and furnishings as shown on the drawings approved by City Council; and

(k) the owner agrees to be bound by and will comply with the restrictions of By-law No. 17781 respecting a part of the Lands above and adjacent to the subway at the corner of Yonge Street and Front Street West which provides, among other things, that "no future building or buildings shall be erected upon such lands having any parts of its or their loads bearing directly or indirectly upon the said underground railway or its works, or having footings which interfere in any way with such underground railway or its works."

4. That the City Solicitor be authorized to prepare a collateral agreement between the City and the owner, which agreement is to be entered into prior to the introduction of the Bills in Council implementing the site specific rezoning, to give effect to the following:

(a) that the owner shall provide space within the development for the construction of transformer vaults, Hydro and Bell manholes and sewer manholes required in connection with the development;

(b) that the owner shall agree to pay for improvements to the public sidewalks around the entire development block generally as shown on drawing No. DR-2 referred to in Recommendation 3 and shall have submitted a landscape plan indicating further details of such improvements to, and have had approved by City Council prior to May 1, 1988 with respect to Phase I development and prior to the issuance of a building permit with respect to Phase II;

(c) that the owner agree to submit an application for the improvements respecting each Phase referred to in sub-paragraph 4(b) to the Commissioner of Public Works and carry out the improvements within a reasonable period of time or make a cash contribution to the City equal to the value of the improvements as part of an overall project; and

(d) that the owner shall construct the project in accordance with the Noise Impact Statement approved by the Commissioner of Public Works.

5. That the owner be required to provide all legal descriptions and Reference Plans of Survey, in metric units and integrated with the Ontario Co-ordinate System, that will be required in connection with the project, including a Reference Plan of Survey delineating thereon by separate PARTS, the lands to be conveyed to the City and the remainder of the site.

6. That the owner be required to obtain municipal numbering from the Department of Public Works prior to filing a formal application for a building permit.

7. That the owner consider the benefits of registering all of the lands under the Land Titles Act.

8. That the applicant be advised of the concerns of City Council with respect to the matters outlined in Section 7 of this report and that they be requested to submit revised drawings addressing these concerns to the satisfaction of the Commissioner of Planning and Development.

9. That the City Solicitor be requested to submit a draft by-law exempting the Yonge, Front, Bay and Wellington Lands from part-lot control, such by-law not to be passed until after the coming into force of the by-law amending the Zoning By-law.

10. That the Commissioner of Public Works and the Commissioner of Planning and Development undertake to review the vehicle access to the Yonge, Front, Bay and Wellington Lands from Front Street West with the appropriate Metropolitan Toronto officials one year after the full development of the Lands.

Robert E. Millward
Commissioner

MW/mt

APPENDIX A

1. Letter from the Commissioner, Public Works Department, dated November 26, 1987.

"Thank you for sending me a copy of your Final Report, dated November 12, 1987, with respect to the above noted matter.

I note that Recommendation Nos. 3, 4, 5, 8, 9, 10, 11 and 12 in my report to you of October 15, 1987, have not been dealt with in your report. I understand from Mal Williams of your staff that you intended to deal with Recommendation Nos. 3, 4, 5, 8 and 9 in your Development Review report for the project and that you understood that Recommendation Nos. 10, 11 and 12 have been satisfied or are no longer necessary.

Recommendation Nos. 4 and 5 can be secured in a Development Agreement. The City Surveyor has confirmed that Recommendation No. 11 is not necessary in view of the form of Site Plan By-law you are recommending.

Recommendation Nos. 3, 8, 9, 10 and 12 should be secured as conditions of the rezoning. Please prepared a supplementary report to Land Use Committee to include these recommendations.

Of particular concern is Recommendation No. 9 regarding the conveyance of land needed to widen Bay Street. The land should be conveyed to the City prior to the introduction of any bills in Council."

2. Comments from the Commissioner, Public Works Department, dated December 3, 1987.

"I dealt with the proposal for the above noted site in my reports to you of October 15 and October 29, 1987, and in my letter of November 9, 1987.

The proposal has now been revised, among other things, to:

1. Provide for an overall gross floor area of the project (including Premises No. 20 Front Street West) of 261 782 square metres consisting of 239 957 square metres of office space and 21 825 square metres of retail space;

2. Reduce the proposed parking supply from 1660 to 1415 spaces;

3. Provide all of the loading spaces required by the Zoning By-law for the entire project in Phase I, except for the Type A loading space. The Type A loading space will be provided when Phase II is constructed by lengthening a 12 m long loading space to 17 m;

4. Redesign the layout of the parking and loading facilities;

5. Provide sufficient space for a commercial garbage compactor (private) in the loading area;

6. Redesign the landscaping proposed within the Bay Street right-of-way to reflect the widening of the street and the provision of a southbound left turn lane; and

7. Redesign the pedestrian entrances and exits from the project.

Revision Nos. 3, 4, 5 and 6 are satisfactory.

The provision of 1415 parking spaces on the site exceeds the minimum parking requirement of the Zoning By-law which I estimate at around 800 spaces and is satisfactory. I note, however, that an additional parking demand will be created if the project is revised to add 428 residential units, as I understand will be permitted by the Official Plan.

The adequacy of the overall parking supply to meet the additional demand that will be generated by any residential component added to the project in the future can be assessed when specific details of the residential proposal are available.

The proposed exit doors will encroach on the Wellington Street West right-of-way when open. This is not acceptable. The project must be redesigned to eleminate the encroachments.

As a result of the revisions, Recommendation No. 13 should be added to my report to you of October 15, 1987, as follows:

13. Setback all entrances and exits so that no doors encroach over the abutting streets when open."

3. Letter from the Commissioner, Parks and Recreation Department, dated November 13, 1987.

"I advise that I have reviewed the plans submitted for this project and have the following comments. There are fifteen City-owned trees, nine on the Front Street frontage and six on

the Wellington Street flank involved in this project. The requirements regarding the City-owned trees are attached.

The proposal includes a landscaped public open space which is approximately 30 m (100') wide by 65 m (215') deep with a total area of 1,950 sq.m. (21,000 sq.ft.). The space faces on Front Street and is accessible from both buildings flankig the site as well as from the proposed internal Galleria to the north. The site seems to have reasonable sun and wind conditions. To ensure that the open sapce is perceived to be publicly accessible, the design must incorporate both soft and hard landscape features such as trees, shrubs, seating areas and the appropriate lighting fixtures. In order to accommodate these features, I request that the sub-structure be built with a load capacity capable of supporting 1.8 m (6') of unamended top soil. Since the design of the open space has not been finalized, this load capacity must be consistent through the entire area of the open space. This will allow the sub-structure to accommodate any landcape features proposed for this site. Final approval of the design of the open space can be secured through the Development Review of this site.

The issues of approporiate streetscape treatment for this block and the contribuiton to the Blooming of Bay Street programme should also be resolved during the Development Review process for the respective sites on this block.

In order that the rezoning application may proceed, I have no objections to approving the rezoning for this block provided the preceding issues are included in the recommendations to be contained in your report."

4. Letter from the Commissioner, Parks and Recreation Department, dated December 8, 1987.

"I have reviewed the submitted plans for this location and have the following comments.

The landscape treatment proposed for the Garden Court is acceptable as far as a conceptual design solution is concerned. However, the drawing designated DR. 2 must be amended to provide for a structural slab depression of 1,200 mm minimum in order to accommodate the landscaping as shown on the submitted plan. I also request that all the trees proposed for the Garden Court be shown to have a size of 115 mm diameter.

The plan must also be revised to include a provision for the support poles, flowering baskets and wreaths necessary to undertake the implementation of the Blooming of Bay Street Programme throughout this development site."

5. Comments from the Commissioner, Buildings and Inspections Department, dated December 7, 1987.

"Zoning

Proposed Use: Retail store, day nursery and office building

Designation: CR L8 U400 Map No.: 50G-323

Plans: Prepared by Bregman and Hammann and received by the Commissioner of Planning and Development on April 9, 1987. As revised September 2, 1987, September 9, 1987 and December 1, 1987.

Submitted data and information indicate that the proposal does not comply with the Zoning By-law in the following way(s):

1. The proposed height of 285.6 metres above grade exceeds the permitted 137.2 metres by 148.4 metres (S. 4(2)(a)).

2. Each of the three buildings is to be assigned its own parcel of land along with revised data for further examination or, alternatively, the site should be considered to have one building notwithstanding there is not a common basement throughout (s. 2(1)Lot).

3. The proposed non residential gross floor area of 261,782 square metres exceeds the permitted 8.0 times the lot by 87,261 square metres (S. 8(3)PART I 1(a)).

4. The proposed street related retail and service uses along Bay St. are located more than 5.0 metres from the property line (S. 2(1) Street related retail and service uses).

5. The main floor of the building is more than 0.2 metres above the sidewalk along Front St. W. opposite the buildings primary entrance (S. 8(3)PART XI 3(1)).

6. The Front St. W. primary entrance is accessible by other than a ramp having a maximum slope of 2.0 percent (S. 8(3)PART XI 3(3)).

NOTE: The "phasing" of the development should be incorporated into the future By-law and all agreements.

Building Code

The issuance of the building permit(s) will be conditional upon the proposal's full compliance with all relevant provisions and requirements of the Ontario Building Code."

6. Letter from the Managing Director, Toronto Historical Board, dated December 8, 1987.

"The drawings for Development Review, dated December 1, 1987, by the Planning & Development Department, and received on December 4, 1987, by the Toronto Historical Board, have been reviewed. The Board has been involved throughout the review process and these drawings have responded to comments made.

On December 7, 1987, your staff was advised directly of minor discrepencies on the drawings. The only major comment was that restoration of the chimneys on the Commercial Bank building had not been shown on several related elevation drawings.

The Toronto Historical Board has no further comments at this time."

APPENDIX B

Development Review:	x	Application Number:	1986
Rezoning:	x	Date of Application:	March 30, 1987
O.P.A.:	x	Date of Revision:	November 30, 1987

Confirmed Municipal Address: 30,32,36,38,40,42,44 Yonge Street; 1,3,5,9,11,15,21,25,27 Wellington Street W; 159,181,189,197,199 Bay Street; and 10,20,26,32 Front Street West

Nearest Intersection: whole block bounded by Bay, Wellington, Yonge and Front

Official Plan Designation: Financial District
Zoning District: CR L8 U400

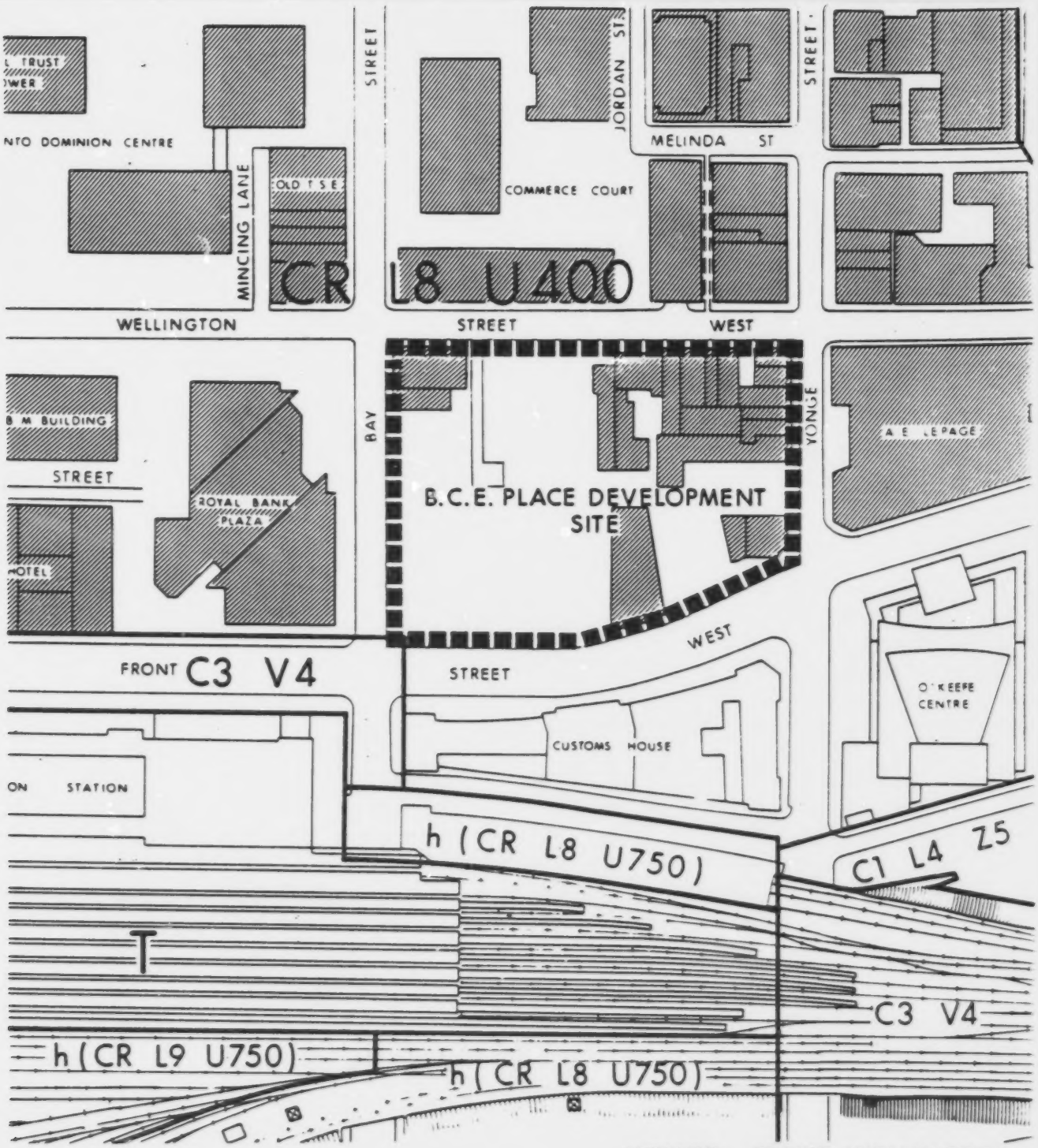
PROJECT INFORMATION

Site Area: 21 815.2 m2 (234,825 s.f.)
including public lane 454.6 m2 (4,893 s.f.)

	Phase I		Phase II	
Height	53 storeys 240 m(790 ft.)		43 storeys 215 m(705 ft.)	
Office	121 458 m2	(1,307,405 s.f.)	118 500 m2	(1,275,560 s.f.)
Retail	8 489 m2	(91,380 s.f.)	8 070 m2	(86,870 s.f.)
Day care	530 m2	(5,705 s.f.)		
Bank of Montreal	1 485 m2	(15,985 s.f.)	3 250 m2	(35,000 s.f.
Total by Phase	131 962 m2	(1,420,485 s.f.)	129 820 m2	(1,397,415 s.f.)
Total	261 782 m2	(2,817,890 s.f.)		
Parking	645 spaces		770 spaces	
Public Walkways	1 245 m2	(13,400 s.f.)	5 627 m2	(60,570 s.f.)

DENSITY

	As of right		Additional	
8 times site	174 521 m2	(1,878,600 s.f.)		
Historic buildings	25 350 m2	(273,00 s.f.)		
Historic Precinct			13 340 m2	(143,600 s.f.)
Bank of Montreal	4 645 m2	(50,000 s.f.)	13 415 m2	(144,400 s.f.)
Assisted Housing			25 310 m2	(272,450 s.f.)
Daycare	530 m2	(5,700 s.f.)	2 326 m2	(25,040 s.f.)
Tunnel			2 335 m2	(25,135 s.f.)
Sub-total	205 056 m2	(2,207,280 s.f.)	56 726 m2	(610,610 s.f.)
Total	261 782 m2	(2,817,890 s.f.)		



PLANNING DISTRICT : DOWNTOWN
ZONING MAP SHEET : 50G – 323
WARD : 6
O P DESIGNATION : FINANCIAL DISTRICT

SITE
COMMERCIAL
INDUSTRIAL

YONGE , FRONT, WELLINGTON AND BAY BLOCK
PRESENT ZONING AND LAND USE

APPLICATION No. 1986
ASSIGNMENT No 545/11986
DRAWN BY: P.A.V.

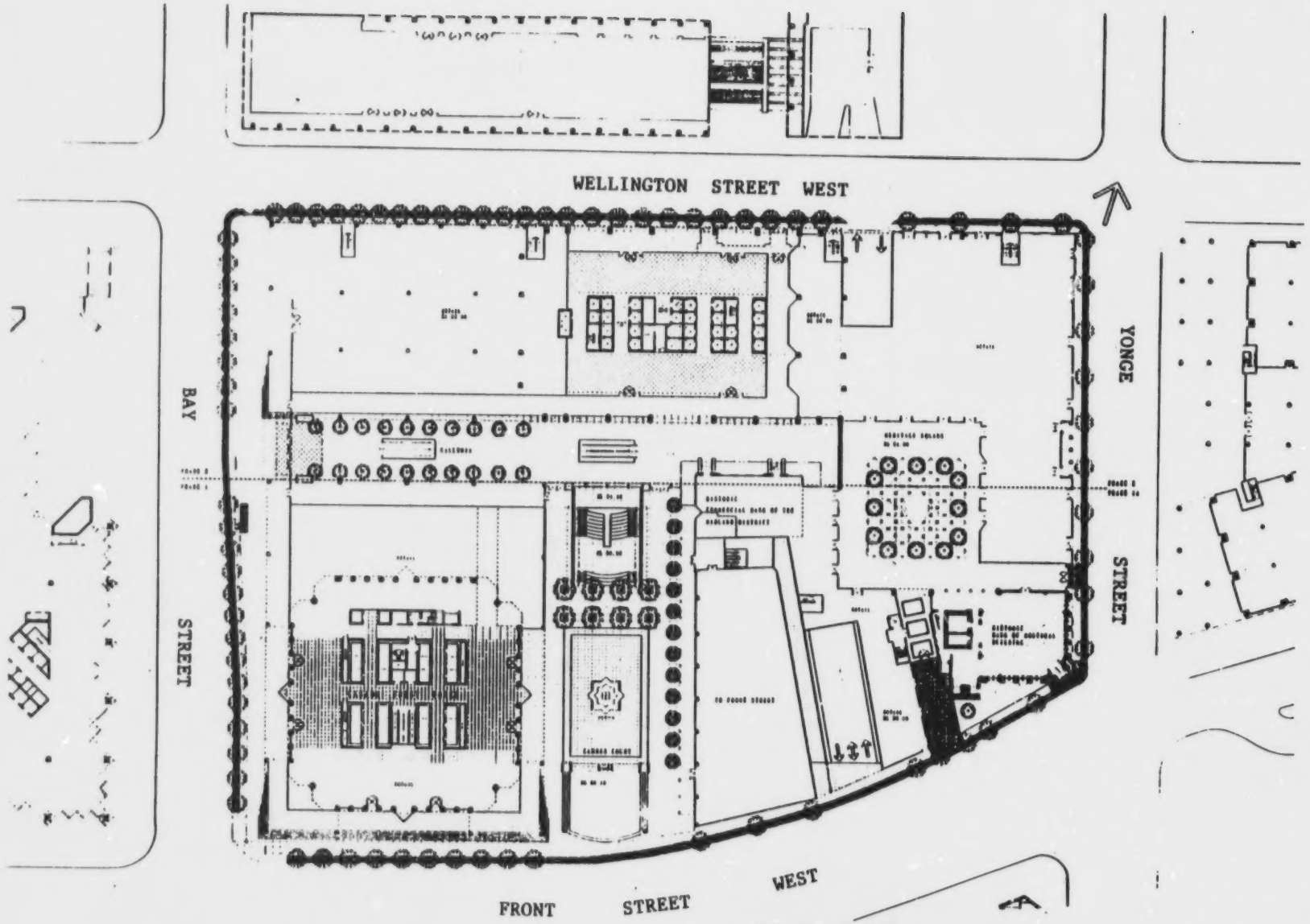
SCALE: 1:2400

NOVEMBER 198

CITY OF TORONTO PLANNING AND DEVELOPMENT DEPARTMENT
ROBERT E. MILLWARD, COMMISSIONER

CENTRAL CORE AND WATERFRONT PLANNING DIVISION

M.W.
AT



SITE PLAN

APPLICANT'S DRAWING

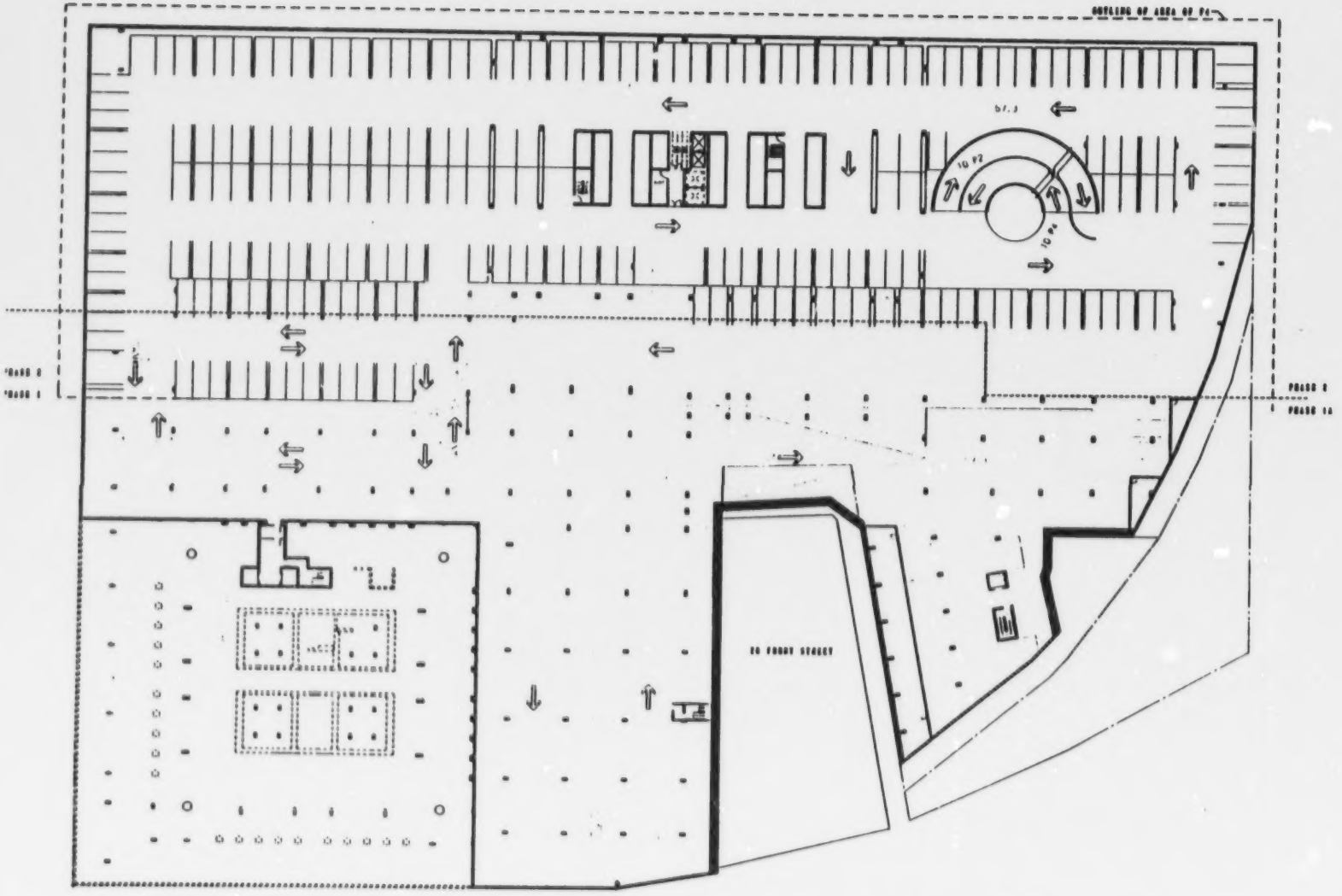
APPLICATION NO. 1986

CITY OF TORONTO PLANNING AND DEVELOPMENT DEPARTMENT
Robert E. Millward, Commissioner

REDUCED DRAWING

CENTRAL CORE AND WATERFRONT PLANNING DIVISION

DECEMBER, 1987



3RD & 4TH PARKING LEVELS

APPLICANT'S DRAWING

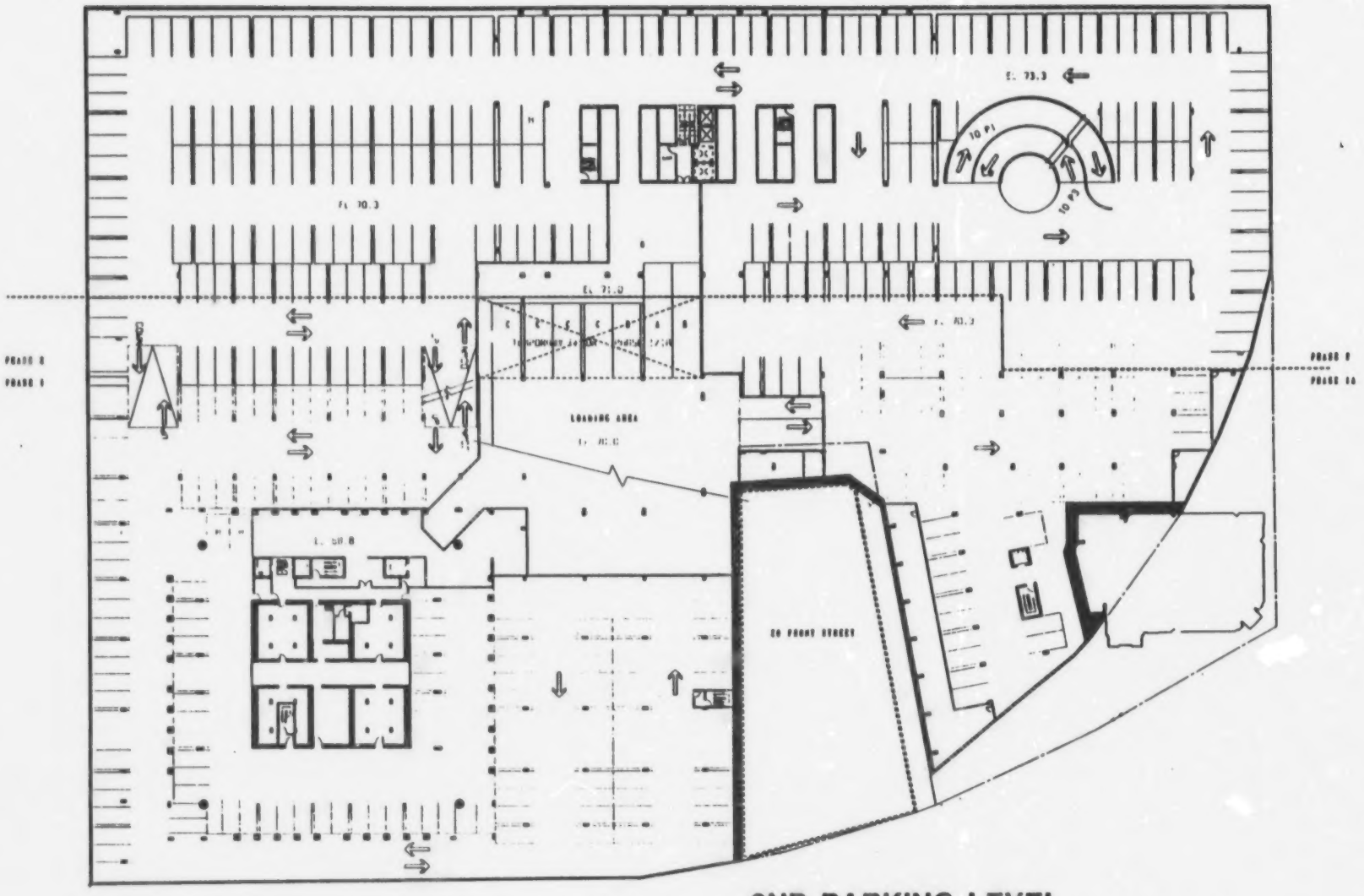
APPLICATION NO. 1986

CITY OF TORONTO PLANNING AND DEVELOPMENT DEPARTMENT
Robert E. Millward, Commissioner

CENTRAL CORE AND WATERFRONT PLANNING DIVISION

REDUCED DRAWING

DECEMBER, 1987



2ND PARKING LEVEL

APPLICANT'S DRAWING

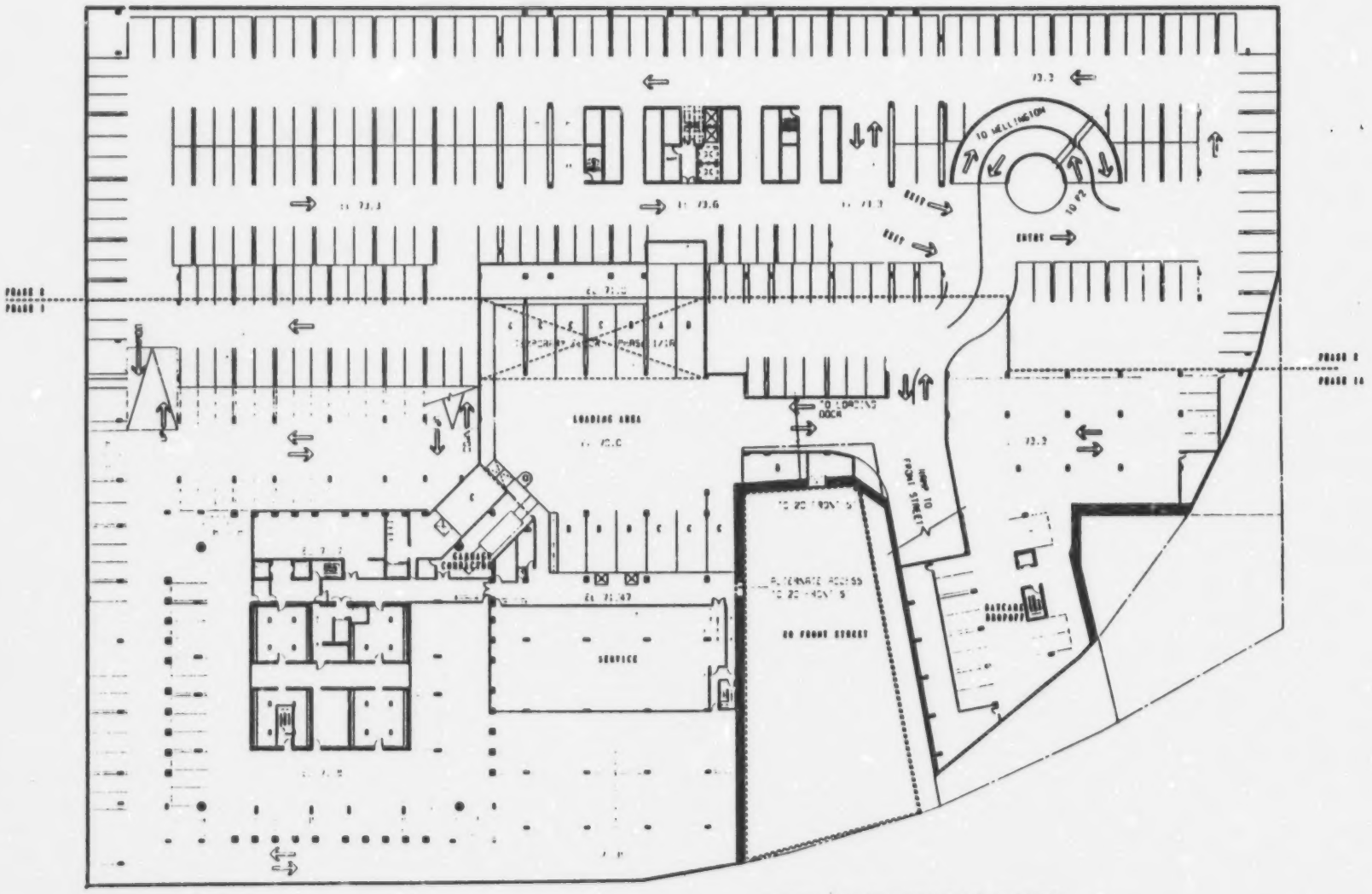
APPLICATION NO. 1986

CITY OF TORONTO PLANNING AND DEVELOPMENT DEPARTMENT
Robert E. Millward, Commissioner

REDUCED DRAWING

CENTRAL CORE AND WATERFRONT PLANNING DIVISION

DECEMBER, 1987



1ST PARKING LEVEL

APPLICANT'S DRAWING

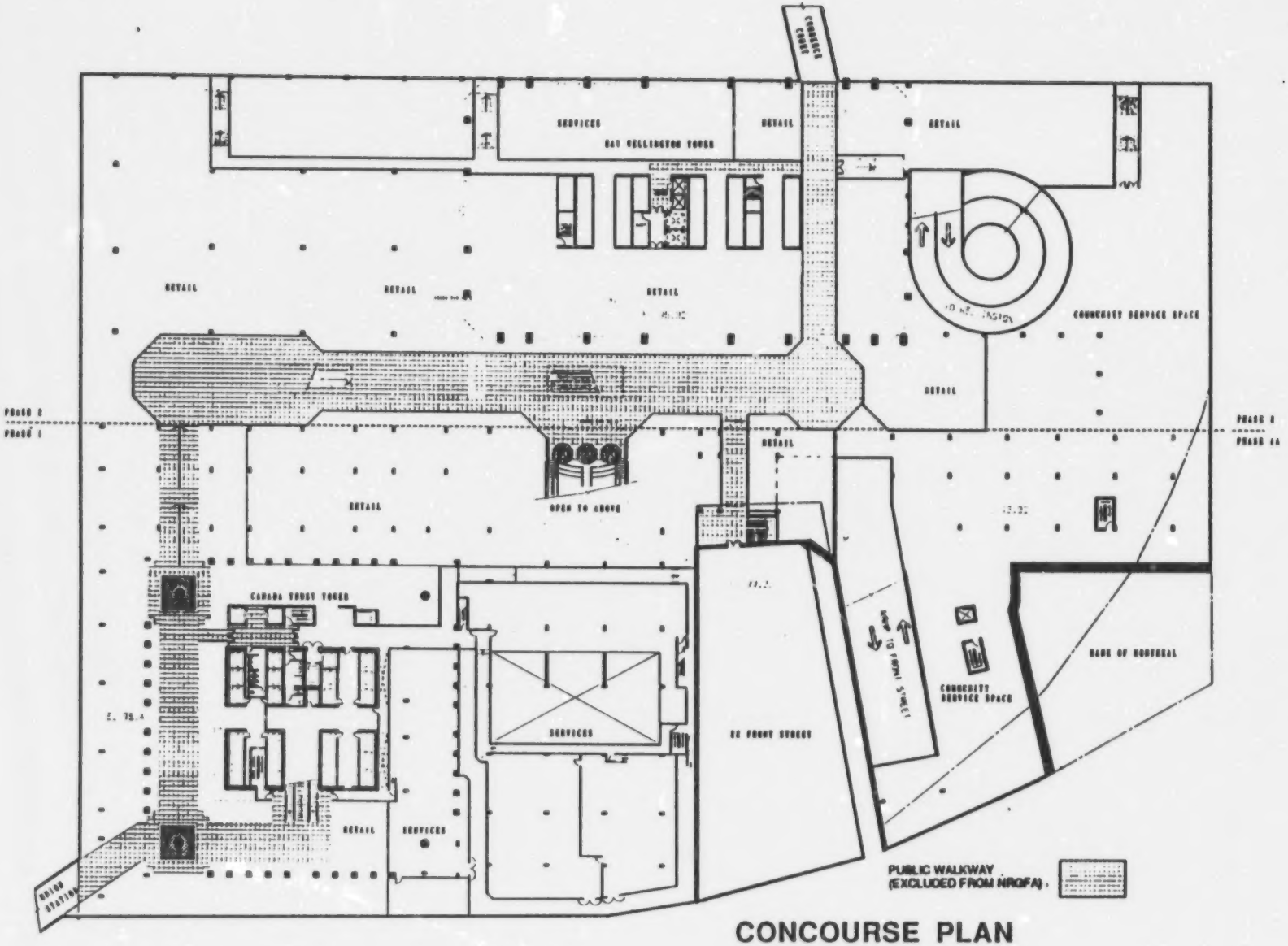
APPLICATION NO. 1986

CITY OF TORONTO PLANNING AND DEVELOPMENT DEPARTMENT
Robert E. Millward, Commissioner

REDUCED DRAWING

CENTRAL CORE AND WATERFRONT PLANNING DIVISION

DECEMBER, 1987



CONCOURSE PLAN

APPLICANT'S DRAWING

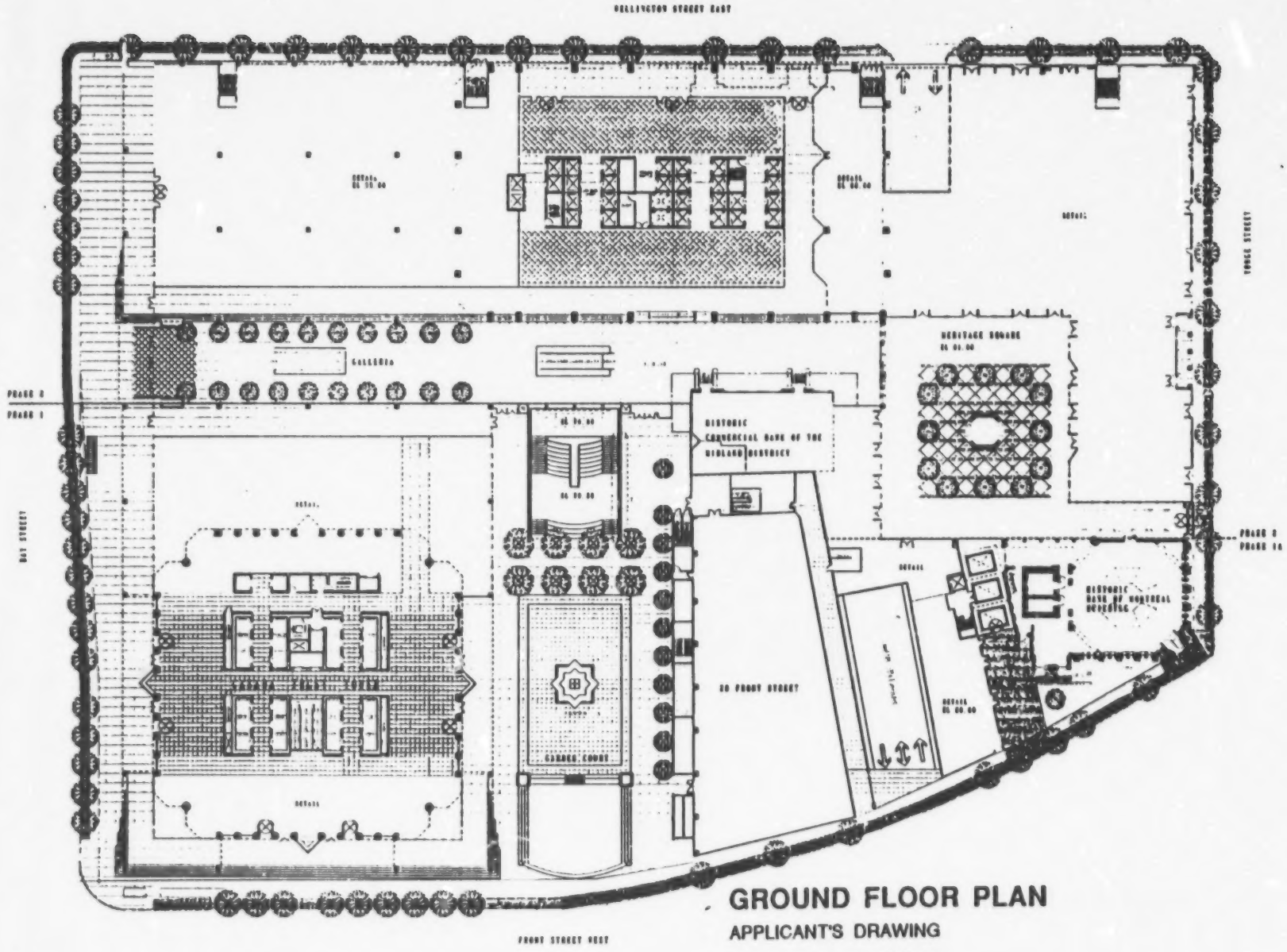
APPLICATION NO. 1986

CITY OF TORONTO PLANNING AND DEVELOPMENT DEPARTMENT
Robert E. Millward, Commissioner

CENTRAL CORE AND WATERFRONT PLANNING DIVISION

REDUCED DRAWING

DECEMBER, 1987



GROUND FLOOR PLAN

APPLICANT'S DRAWING

APPLICATION NO. 1986

CITY OF TORONTO PLANNING AND DEVELOPMENT DEPARTMENT
Robert E. Millward, Commissioner

REDUCED DRAWING

CENTRAL CORE AND WATERFRONT PLANNING DIVISION

DECEMBER, 1987

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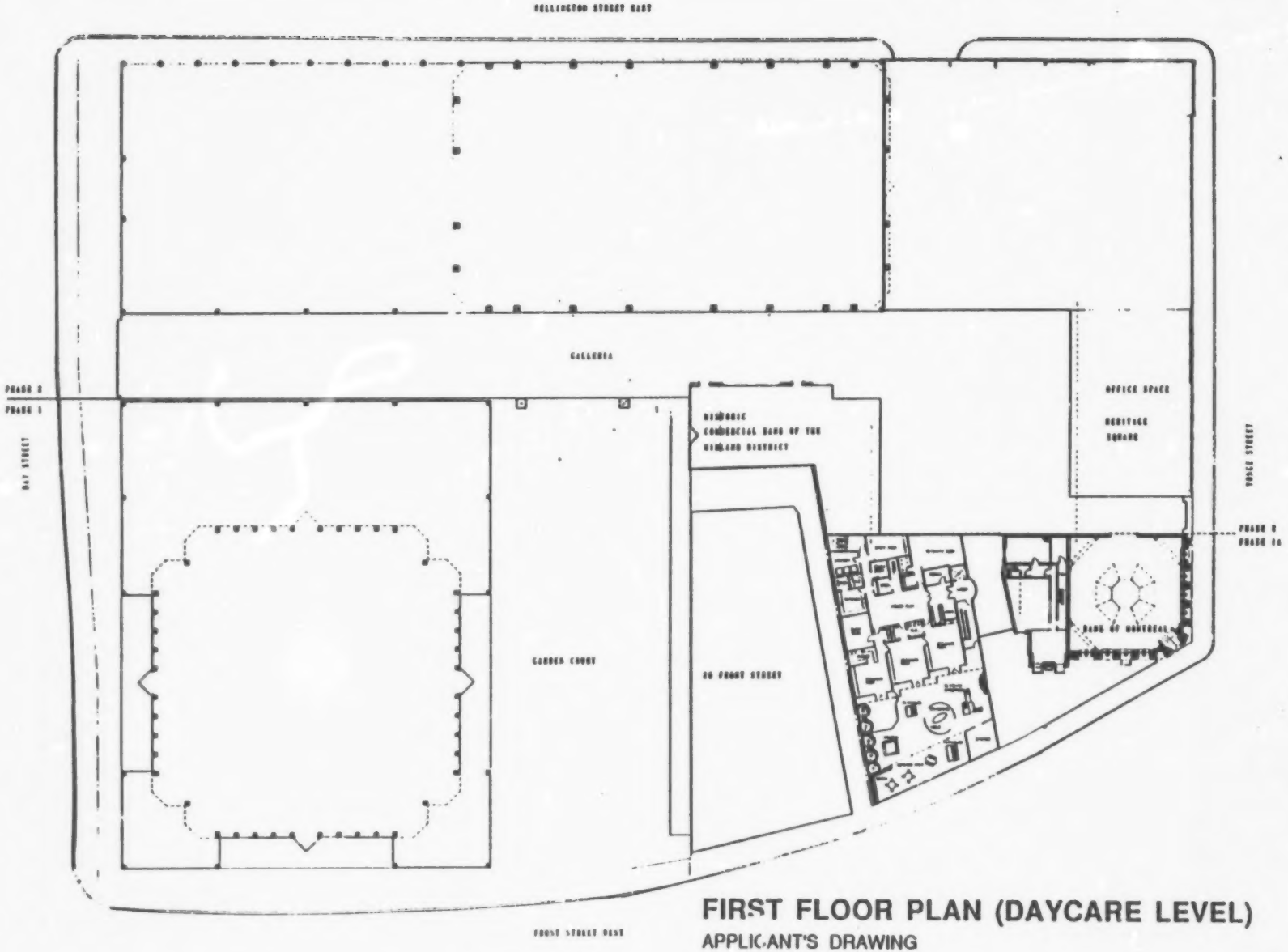


FIRST FLOOR PLAN (DAYCARE LEVEL)

APPLICANT'S DRAWING

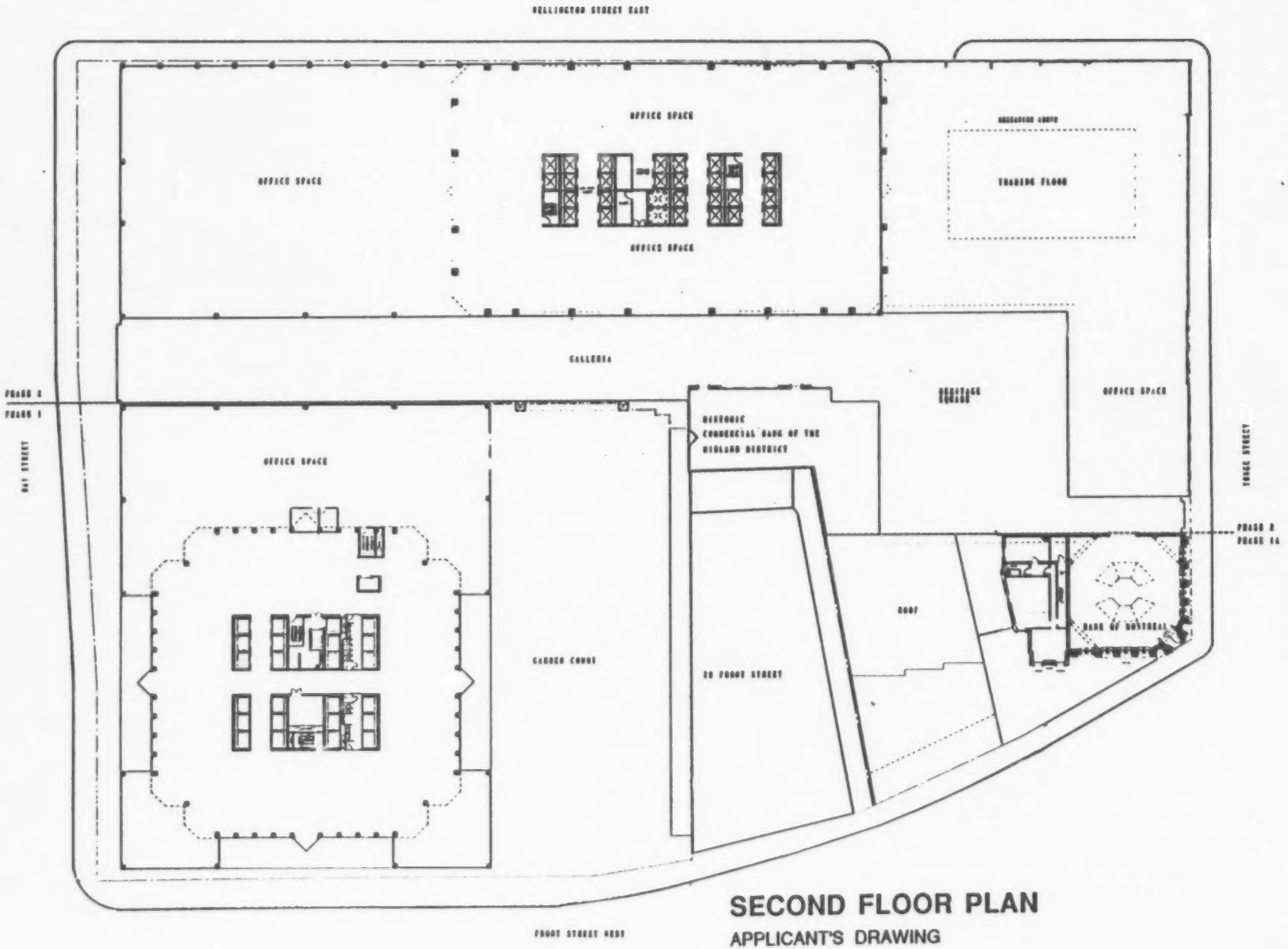
APPLICATION NO. 1986

CITY OF TORONTO PLANNING AND DEVELOPMENT DEPARTMENT
Robert E. Millward, Commissioner

REDUCED DRAWING

CENTRAL CORE AND WATERFRONT PLANNING DIVISION

DECEMBER, 1987



SECOND FLOOR PLAN

APPLICANT'S DRAWING

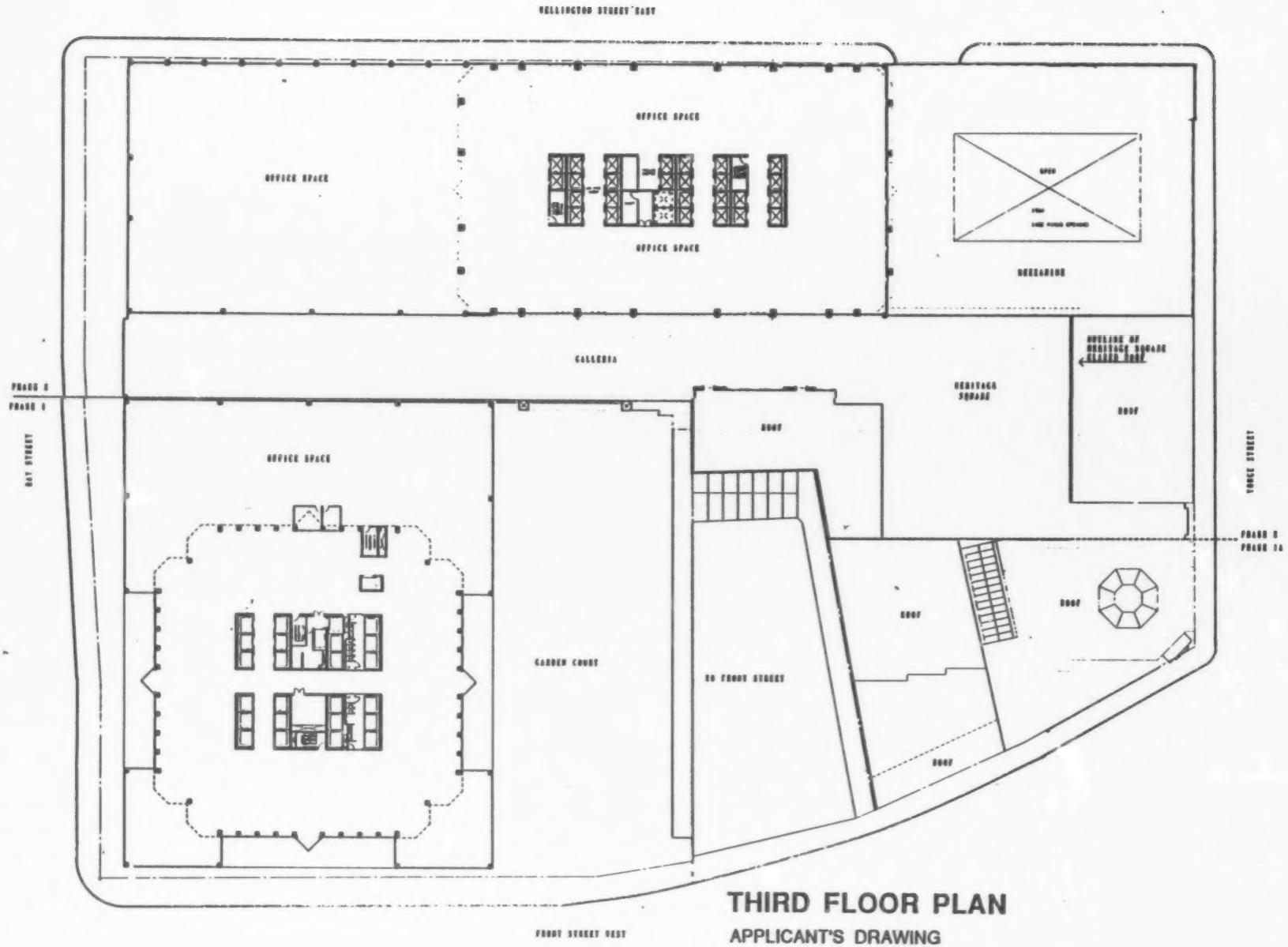
APPLICATION NO. 1986

CITY OF TORONTO PLANNING AND DEVELOPMENT DEPARTMENT
Robert E. Millward, Commissioner

REDUCED DRAWING

CENTRAL CORE AND WATERFRONT PLANNING DIVISION

DECEMBER, 1987



THIRD FLOOR PLAN

APPLICANT'S DRAWING

APPLICATION NO. 1986

CITY OF TORONTO PLANNING AND DEVELOPMENT DEPARTMENT
Robert E. Millward, Commissioner

REDUCED DRAWING

CENTRAL CORE AND WATERFRONT PLANNING DIVISION

DECEMBER, 1987

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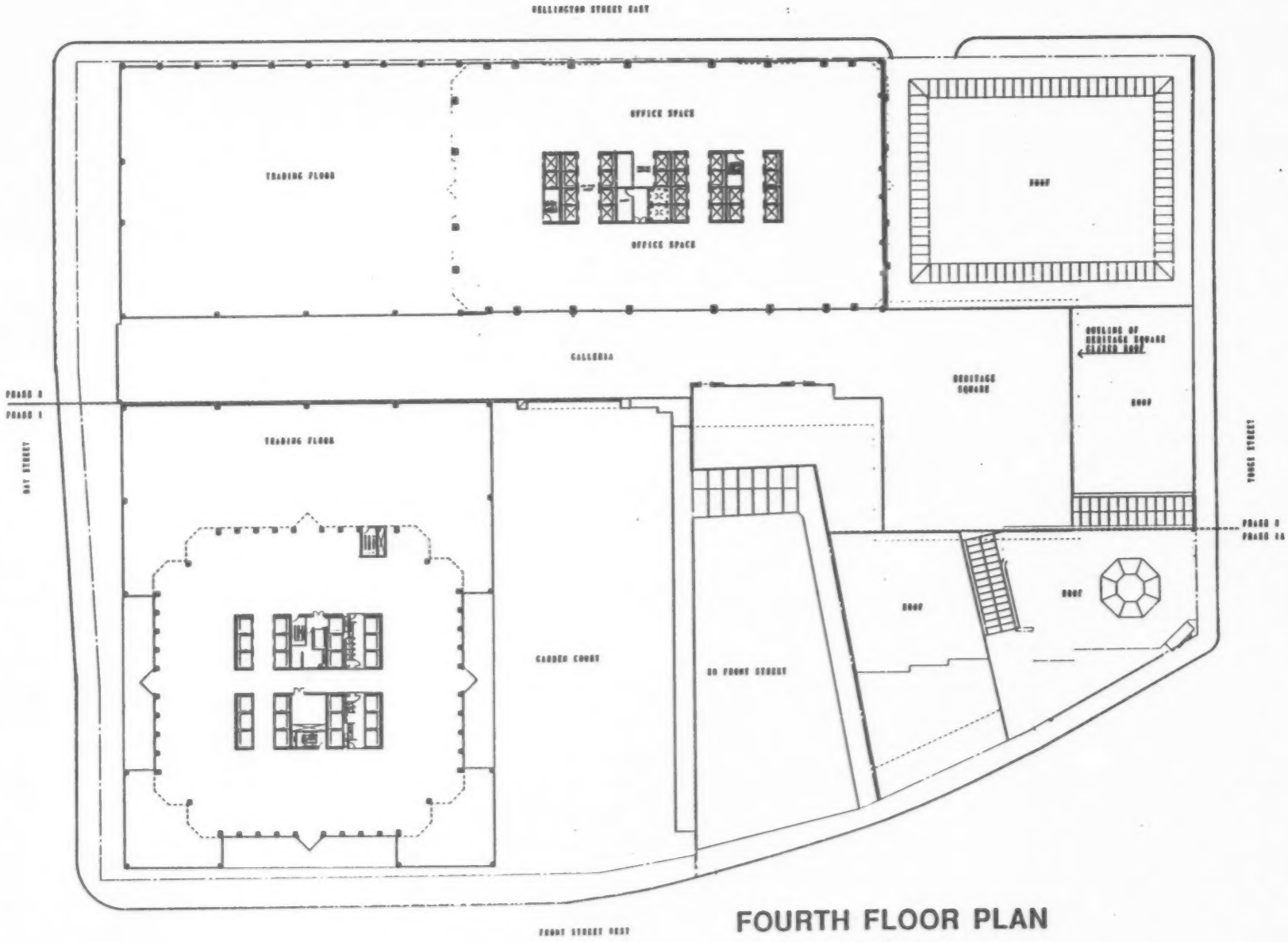


FOURTH FLOOR PLAN

APPLICANT'S DRAWING

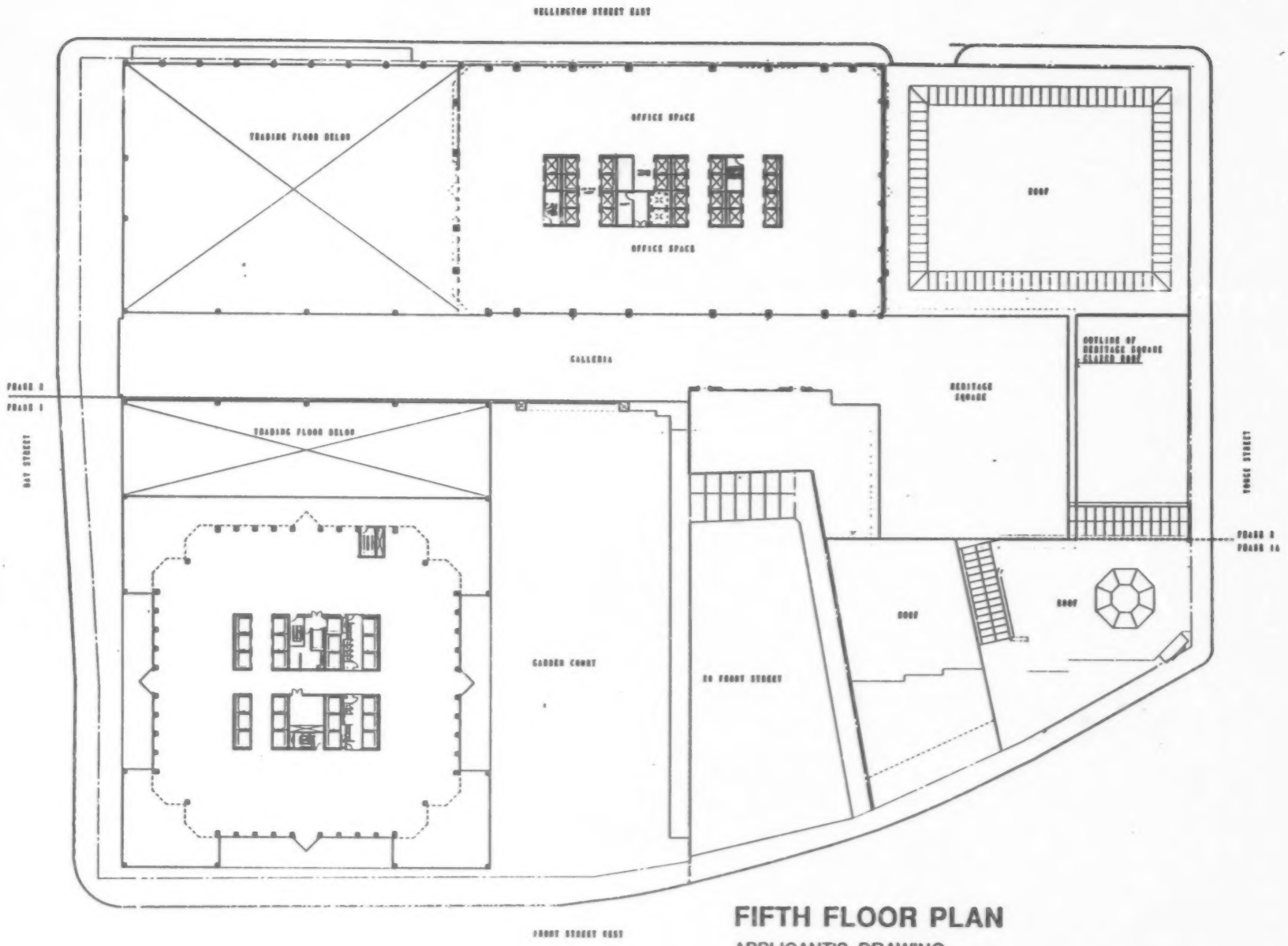
APPLICATION NO. 1986

CITY OF TORONTO PLANNING AND DEVELOPMENT DEPARTMENT
Robert E. Millward, Commissioner

REDUCED DRAWING

CENTRAL CORE AND WATERFRONT PLANNING DIVISION

DECEMBER, 1987



FIFTH FLOOR PLAN

APPLICANT'S DRAWING

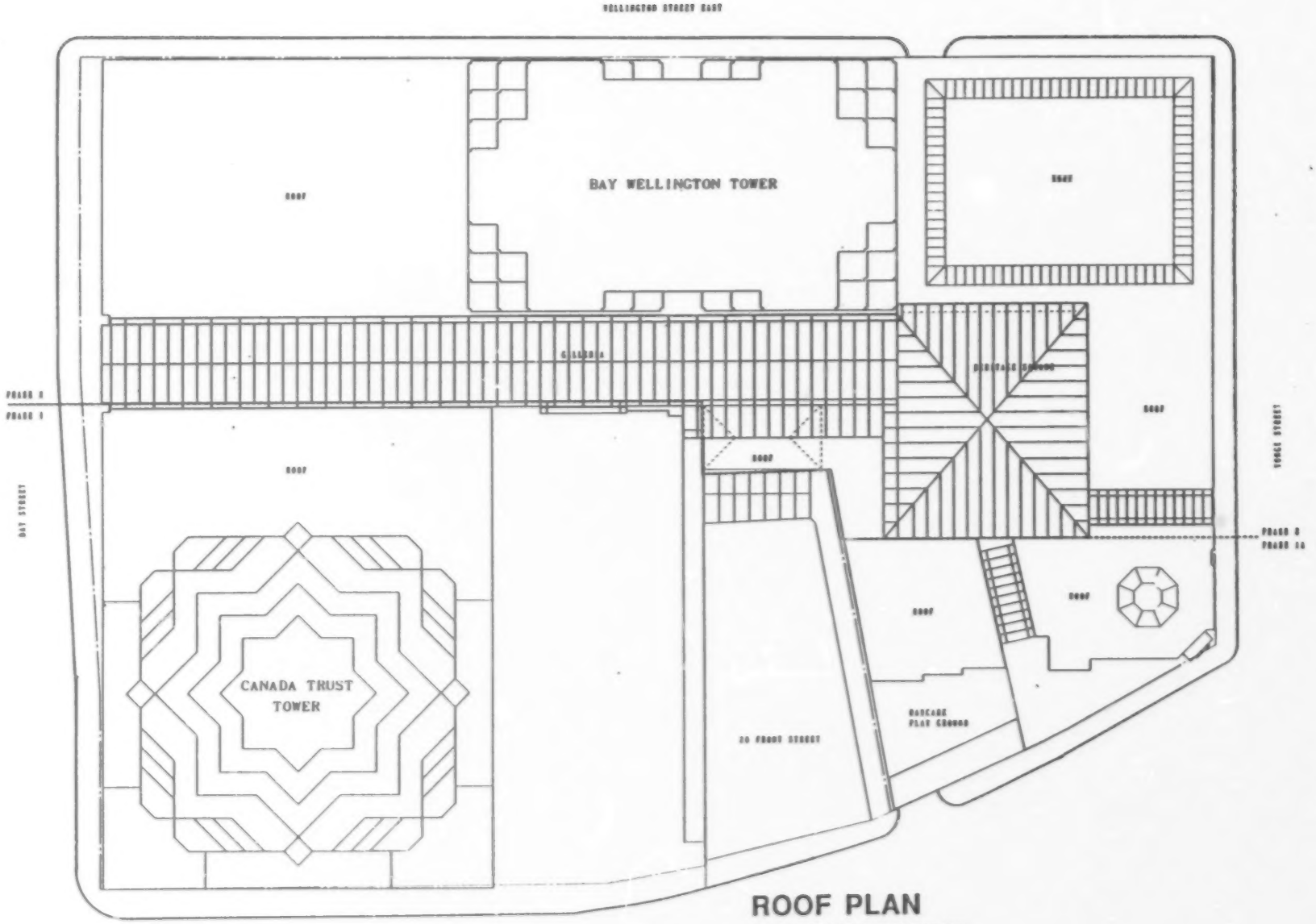
APPLICATION NO. **1986**

CITY OF TORONTO PLANNING AND DEVELOPMENT DEPARTMENT
Robert E. Millward, Commissioner

CENTRAL CORE AND WATERFRONT PLANNING DIVISION

REDUCED DRAWING

DECEMBER, 1987



ROOF PLAN

APPLICANT'S DRAWING

APPLICATION NO. 1986

CITY OF TORONTO PLANNING AND DEVELOPMENT DEPARTMENT
Robert E. Millward, Commissioner

CENTRAL CORE AND WATERFRONT PLANNING DIVISION

REDUCED DRAWING

DECEMBER, 1987

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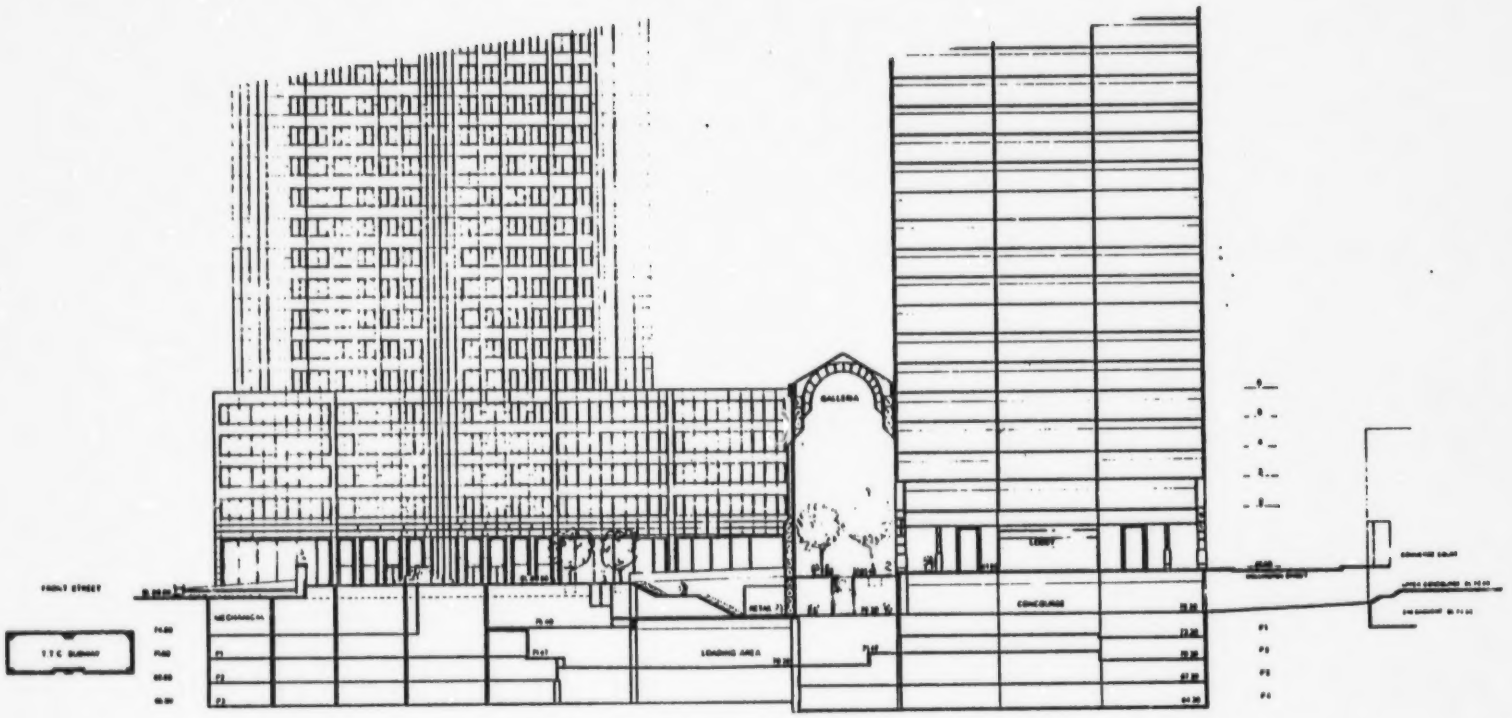

SECTION THROUGH GARDEN COURT WEST

APPLICANT'S DRAWING

APPLICATION NO. 1986

CITY OF TORONTO PLANNING AND DEVELOPMENT DEPARTMENT
Robert E. Millward, Commissioner

REDUCED DRAWING

CENTRAL CORE AND WATERFRONT PLANNING DIVISION

DECEMBER, 1987

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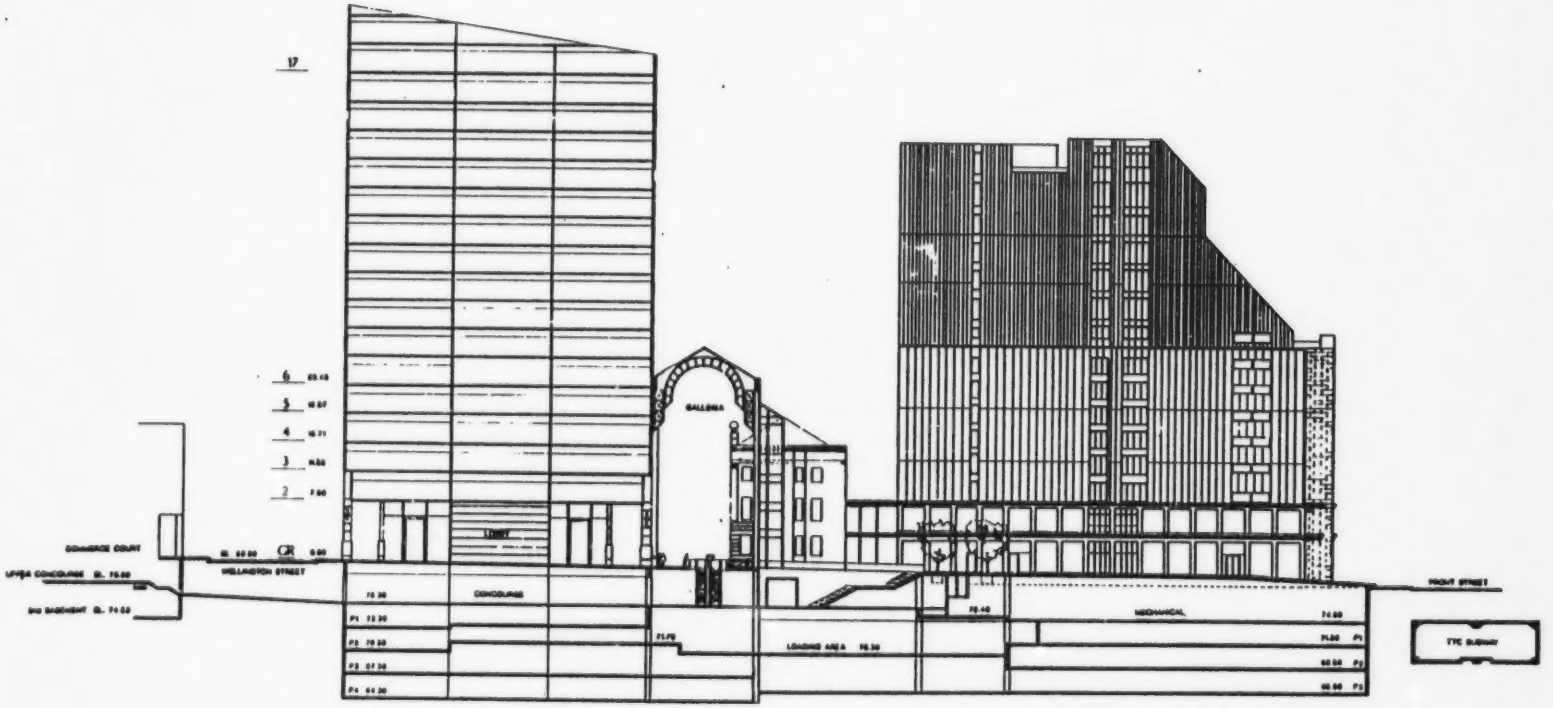


SECTION THROUGH GARDEN COURT EAST

APPLICANT'S DRAWING

APPLICATION NO. 1986

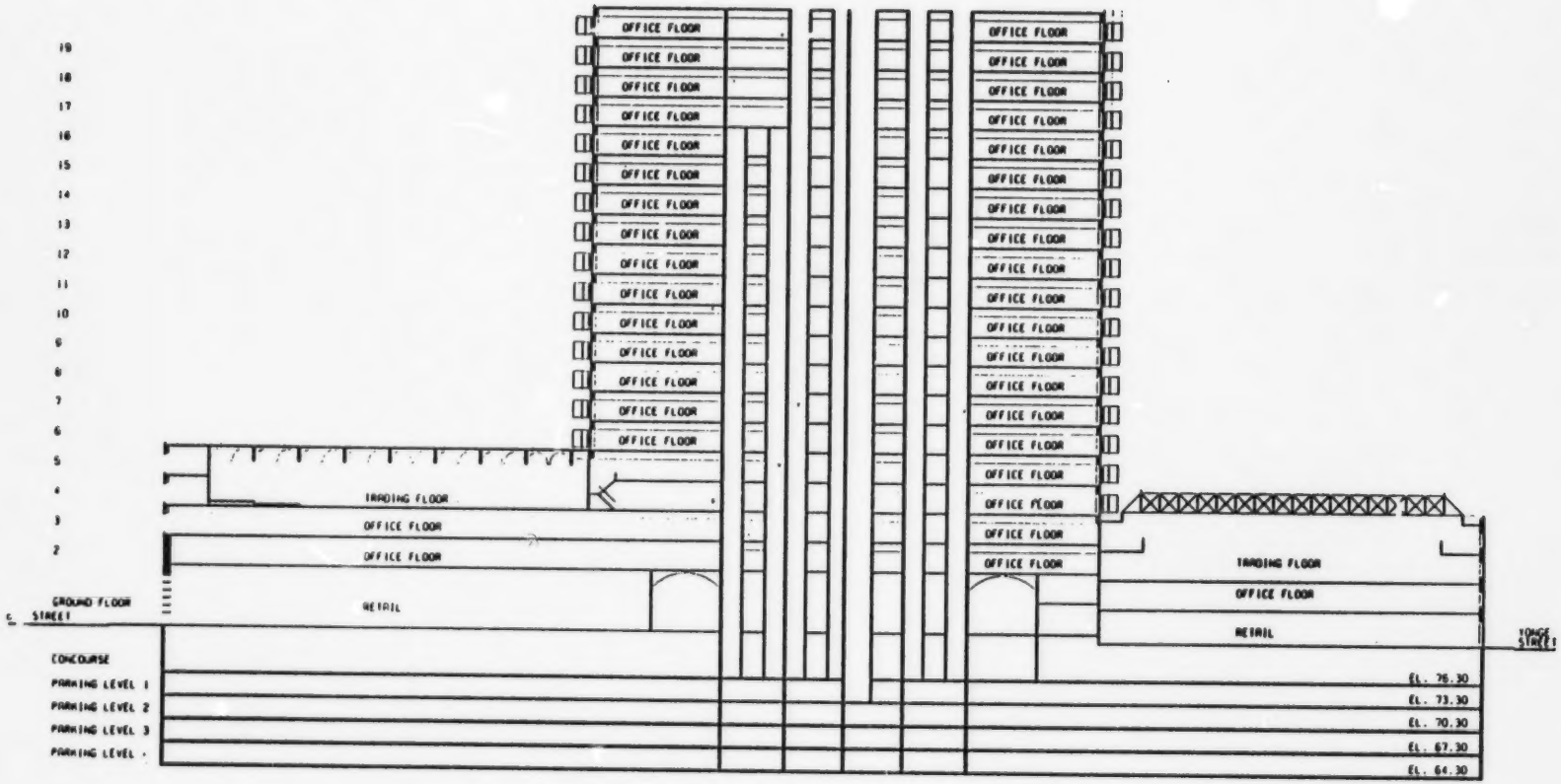
CITY OF TORONTO PLANNING AND DEVELOPMENT DEPARTMENT

Robert E. Millward, Commissioner

REDUCED DRAWING

CENTRAL CORE AND WATERFRONT PLANNING DIVISION

DECEMBER, 1987



BAY WELLINGTON
TOWER

EAST/WEST SECTION

APPLICANT'S DRAWING

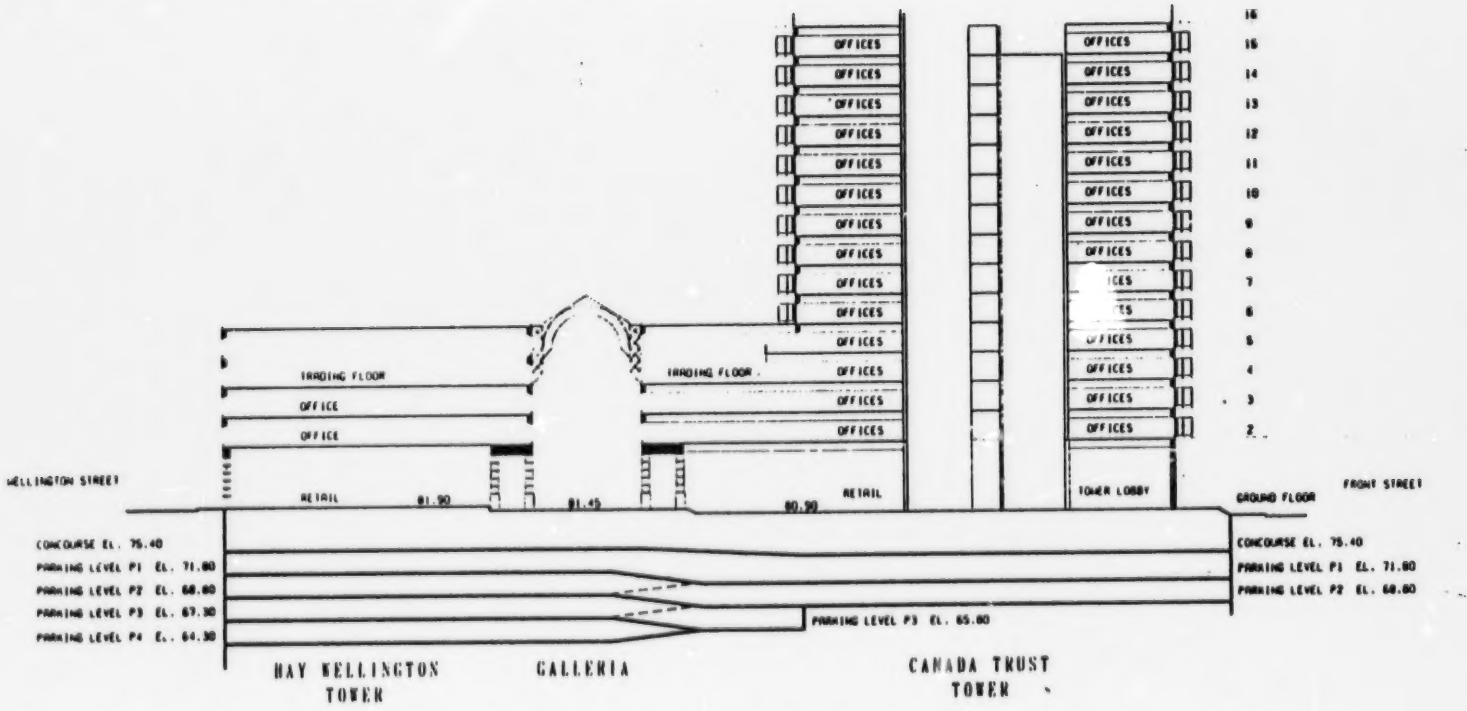
APPLICATION NO. 1986

CITY OF TORONTO PLANNING AND DEVELOPMENT DEPARTMENT
Robert E. Millward, Commissioner

REDUCED DRAWING

CENTRAL CORE AND WATERFRONT PLANNING DIVISION

DECEMBER, 1987



NORTH/SOUTH SECTION

APPLICANT'S DRAWING

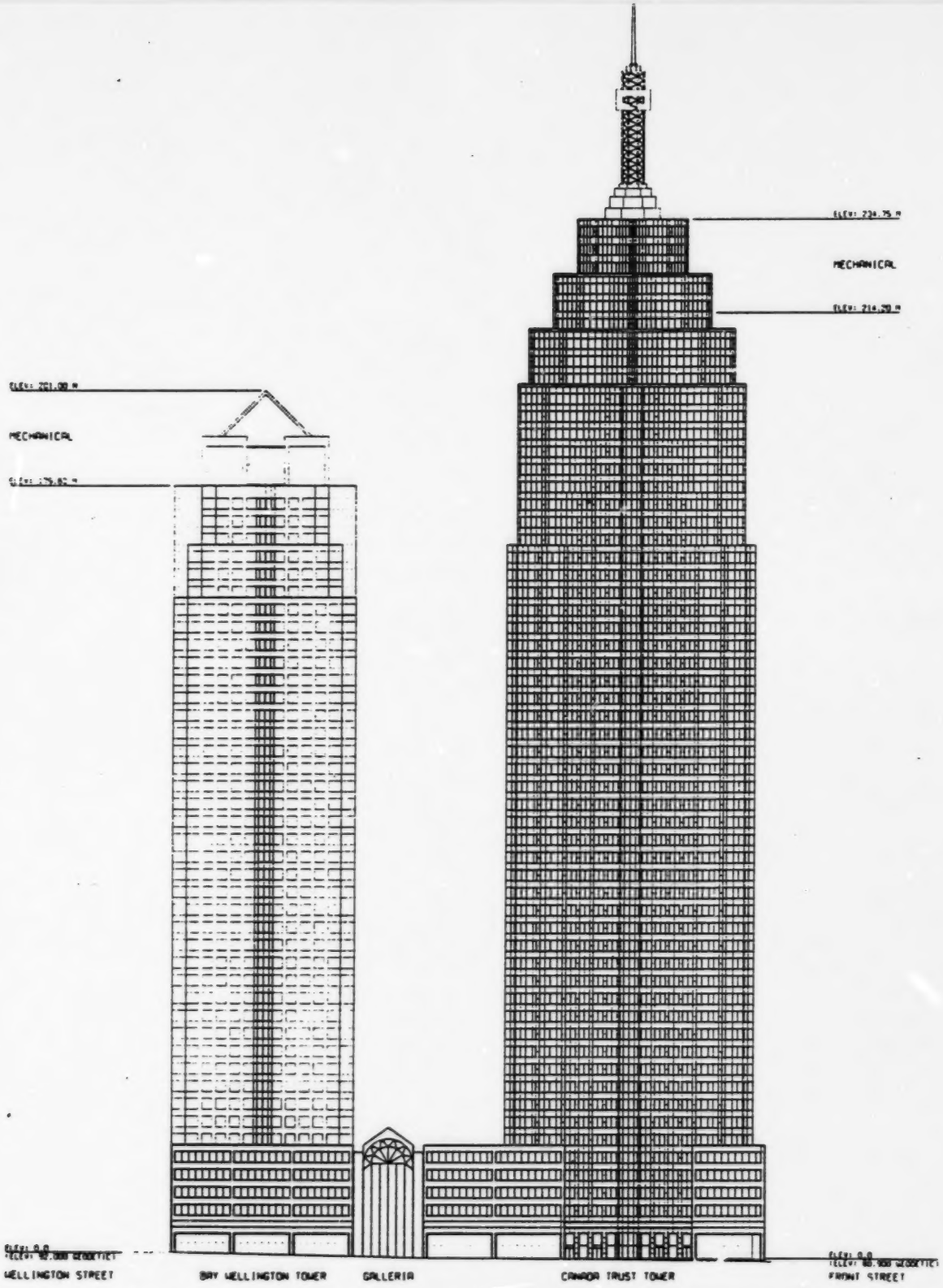
APPLICATION NO. 1986

CITY OF TORONTO PLANNING AND DEVELOPMENT DEPARTMENT
Robert E. Millward, Commissioner

REDUCED DRAWING

CENTRAL CORE AND WATERFRONT PLANNING DIVISION

DECEMBER, 1987



18

BAY STREET ELEVATION (WEST)

APPLICANT'S DRAWING

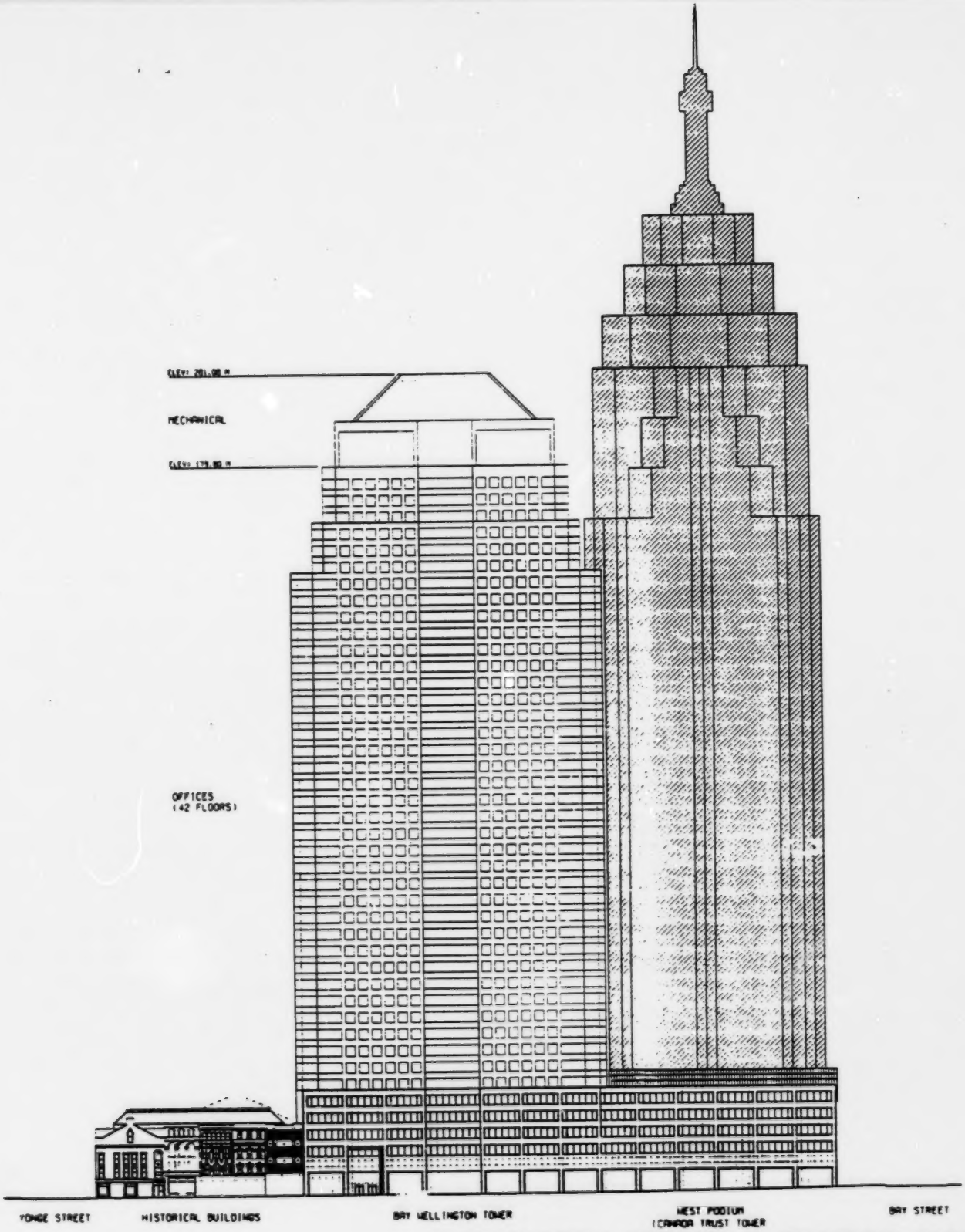
APPLICATION NO. 1986

CITY OF TORONTO PLANNING AND DEVELOPMENT DEPARTMENT
Robert E. Millward, Commissioner

REDUCED DRAWING

CENTRAL CORE AND WATERFRONT PLANNING DIVISION

DECEMBER, 1987



19

WELLINGTON STREET ELEVATION (NORTH)

APPLICANT'S DRAWING

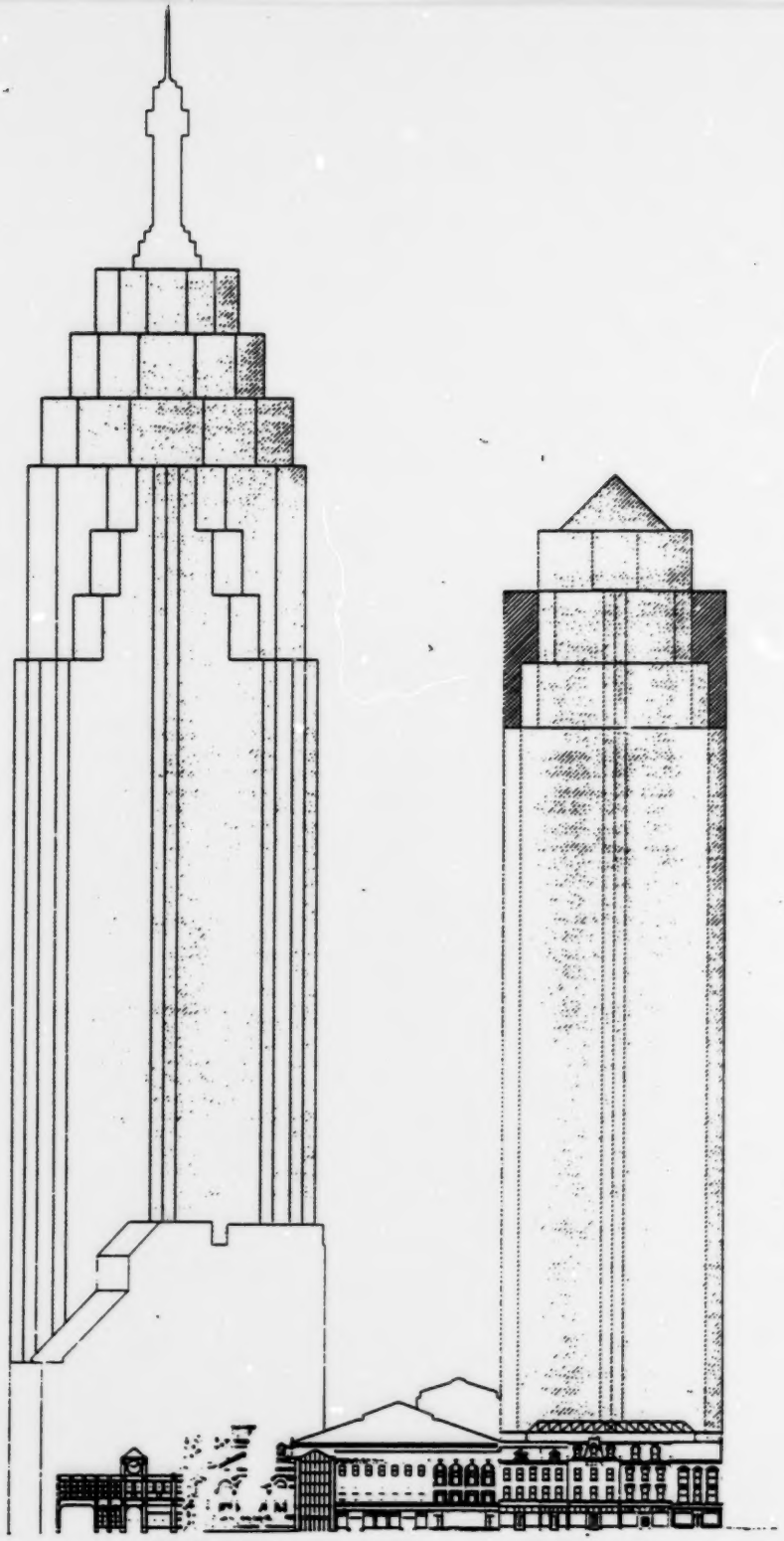
APPLICATION NO. 1986

CITY OF TORONTO PLANNING AND DEVELOPMENT DEPARTMENT
Robert E. Millward, Commissioner

REDUCED DRAWING

CENTRAL CORE AND WATERFRONT PLANNING DIVISION

DECEMBER, 1987



20

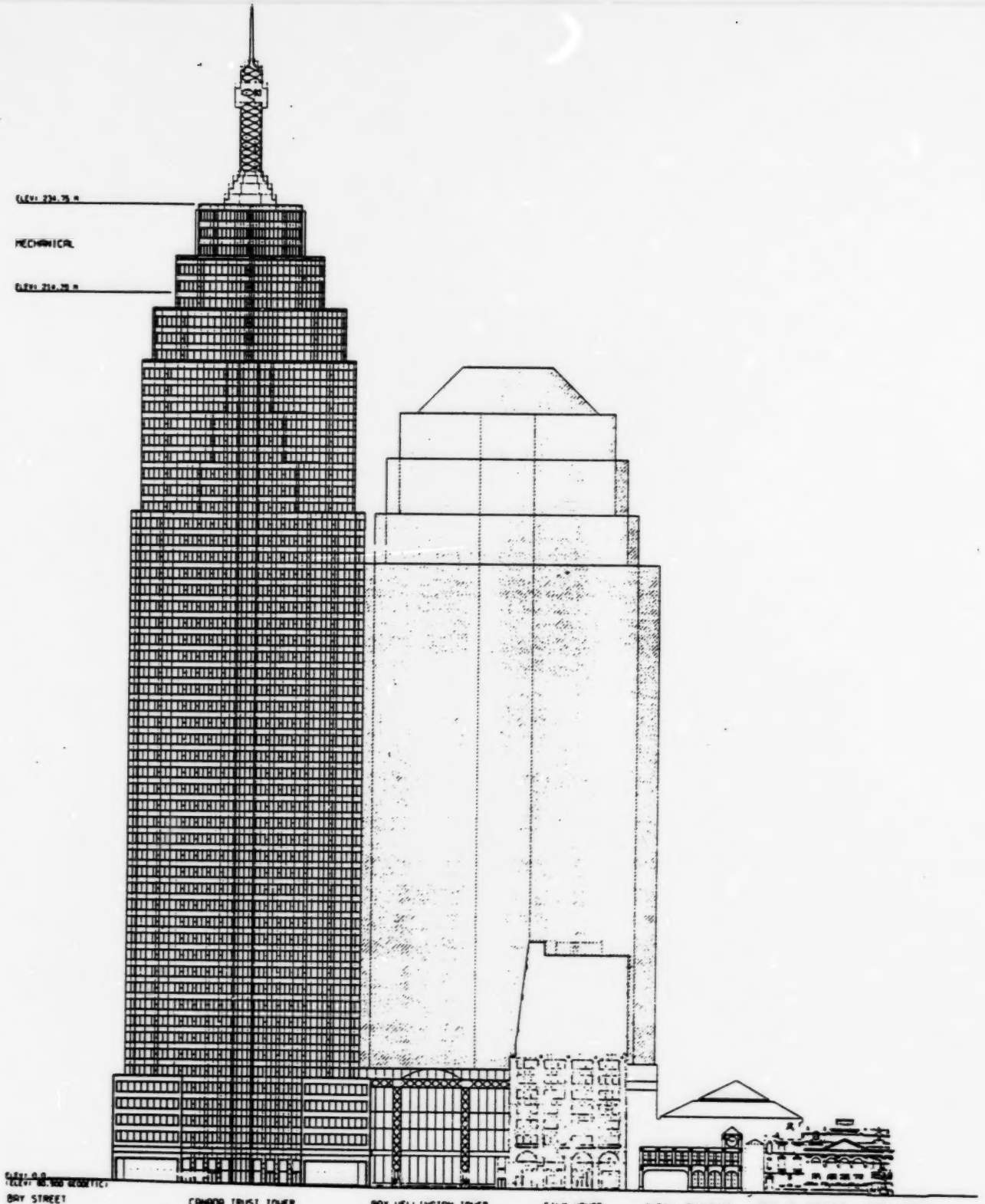
YONGE STREET ELEVATION (EAST)

APPLICANT'S DRAWING

APPLICATION NO. 1986

CITY OF TORONTO PLANNING AND DEVELOPMENT DEPARTMENT
Robert E. Millward, Commissioner — REDUCED DRAWING

CENTRAL CORE AND WATERFRONT PLANNING DIVISION — DECEMBER, 1987



21

FRONT STREET ELEVATION (SOUTH)

APPLICANT'S DRAWING

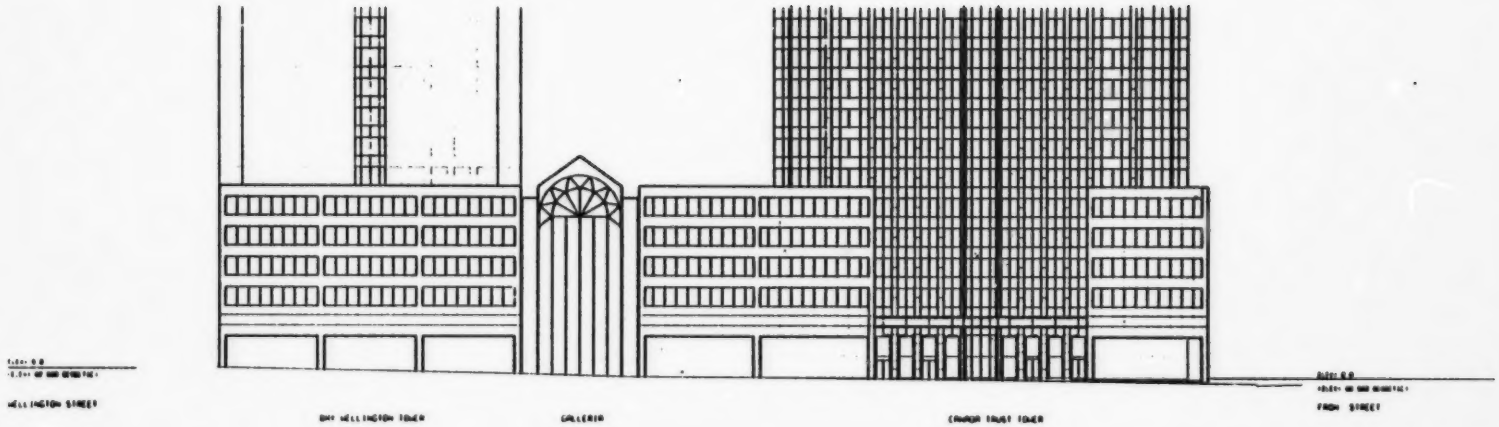
APPLICATION NO. 1986

CITY OF TORONTO PLANNING AND DEVELOPMENT DEPARTMENT
Robert E. Millward, Commissioner

REDUCED DRAWING

CENTRAL CORE AND WATERFRONT PLANNING DIVISION

DECEMBER, 1987



BAY STREET PODIUM ELEVATION

APPLICANT'S DRAWING

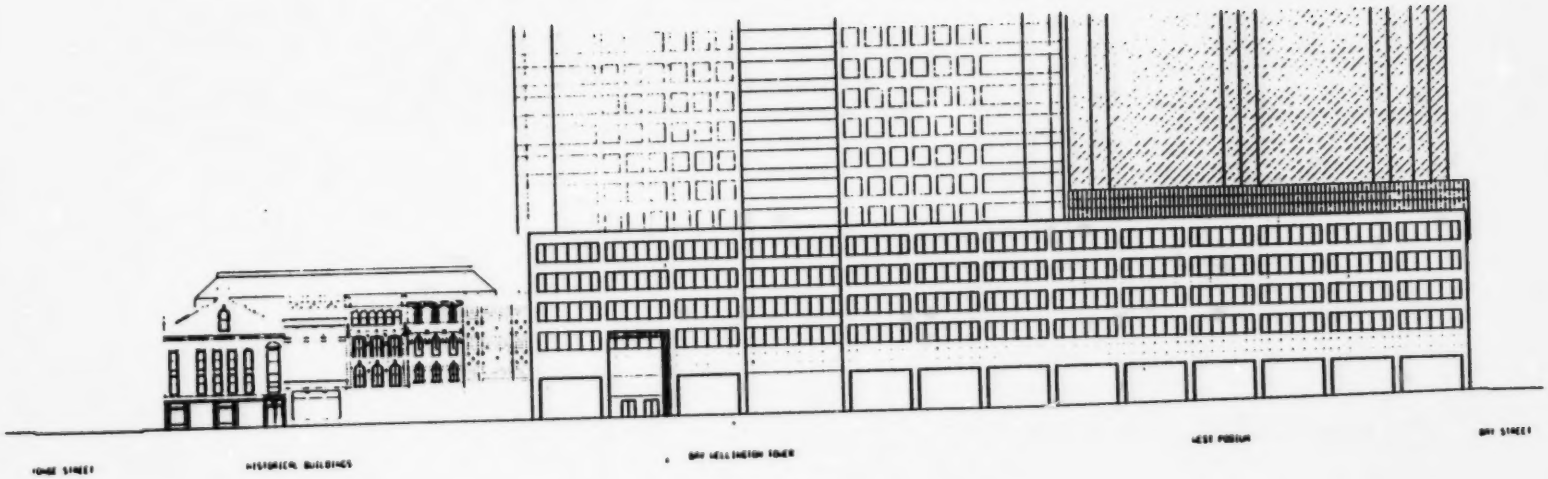
APPLICATION NO. 1986

CITY OF TORONTO PLANNING AND DEVELOPMENT DEPARTMENT
Robert E. Millward, Commissioner

REDUCED DRAWING

CENTRAL CORE AND WATERFRONT PLANNING DIVISION

DECEMBER, 1987



WELLINGTON STREET PODIUM ELEVATION

APPLICANT'S DRAWING

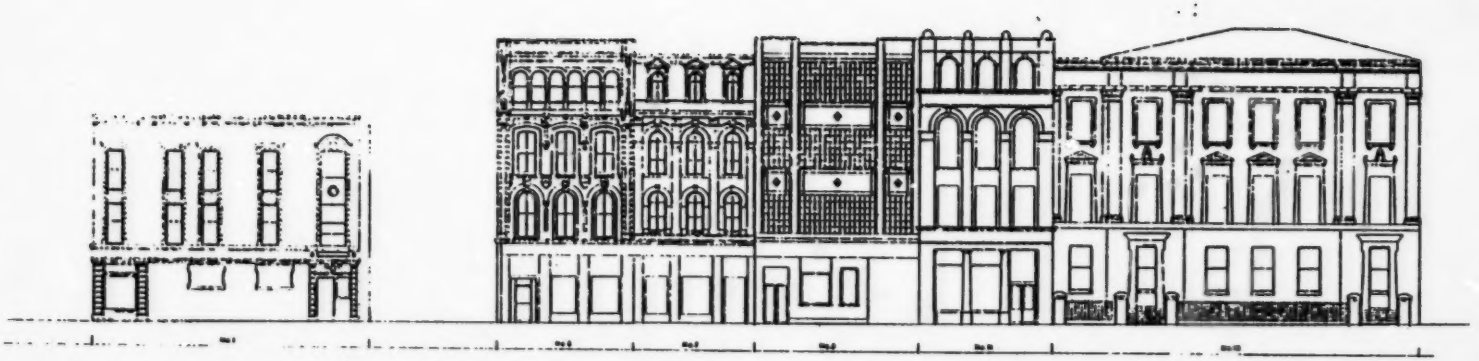
APPLICATION NO. 1986

CITY OF TORONTO PLANNING AND DEVELOPMENT DEPARTMENT
Robert E. Millward, Commissioner

REDUCED DRAWING

CENTRAL CORE AND WATERFRONT PLANNING DIVISION

DECEMBER, 1987



EXISTING

PROPOSED

HISTORICAL ELEVATION-A (WELLINGTON)

APPLICANT'S DRAWING

APPLICATION NO. 1986

CITY OF TORONTO PLANNING AND DEVELOPMENT DEPARTMENT
Robert E. Millward, Commissioner

REDUCED DRAWING

CENTRAL CORE AND WATERFRONT PLANNING DIVISION

DECEMBER, 1987

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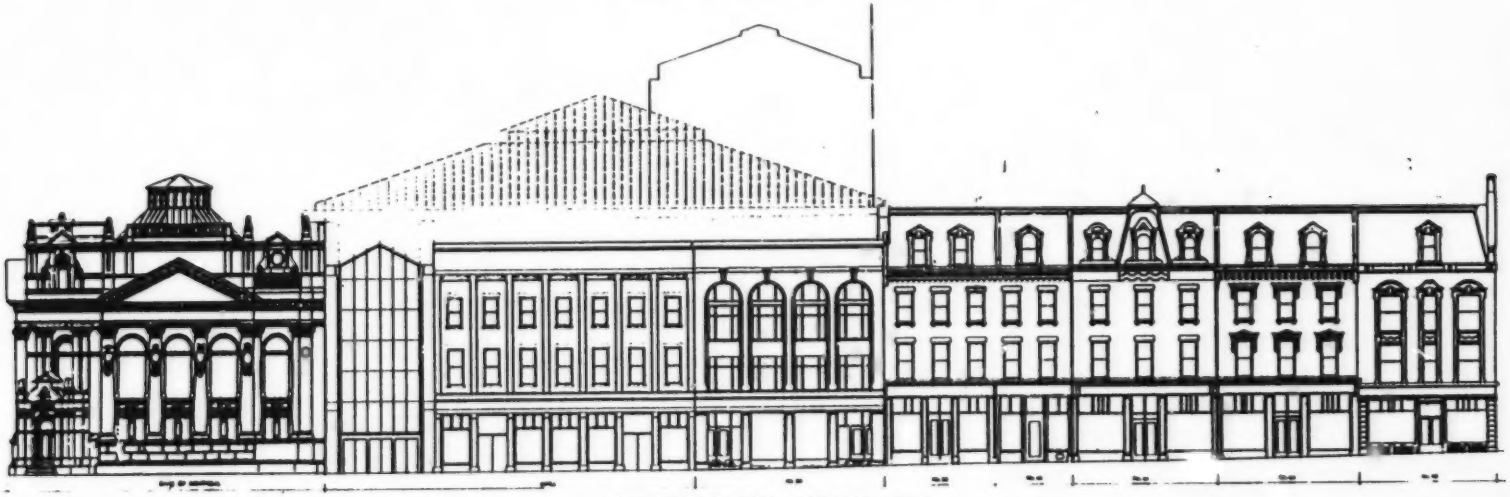
EXISTING YONGE STREET ELEVATION



PROPOSED YONGE STREET ELEVATION

HISTORICAL ELEVATION-B (YONGE)

APPLICANT'S DRAWING

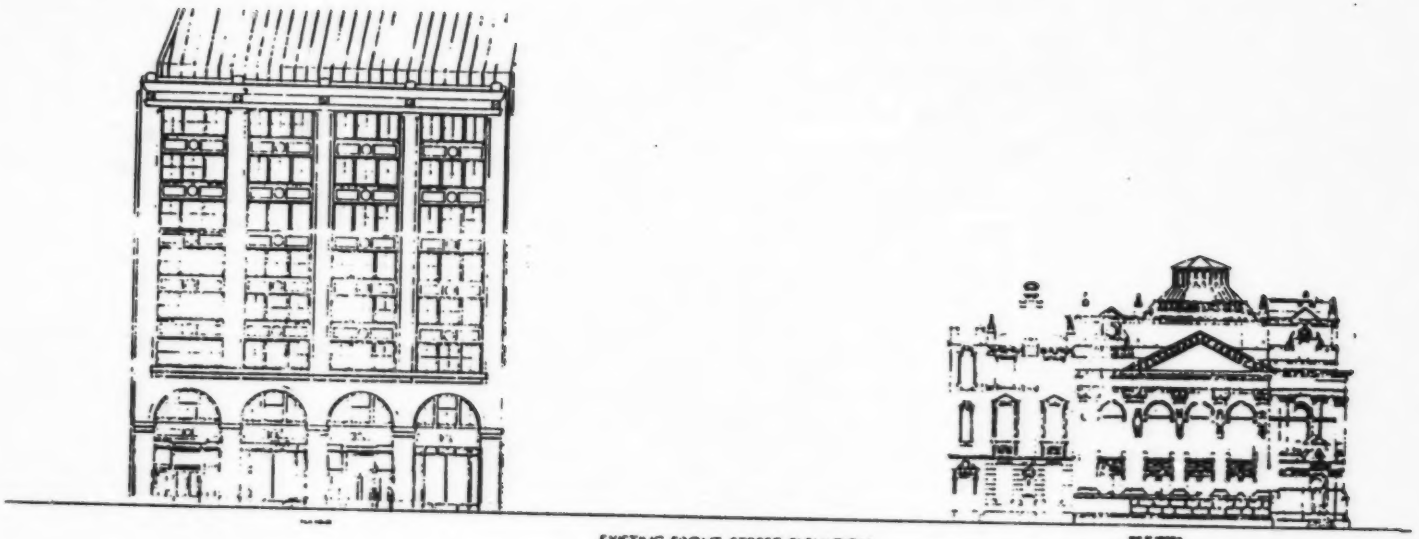
APPLICATION NO. 1986

CITY OF TORONTO PLANNING AND DEVELOPMENT DEPARTMENT
Robert E. Millward, Commissioner

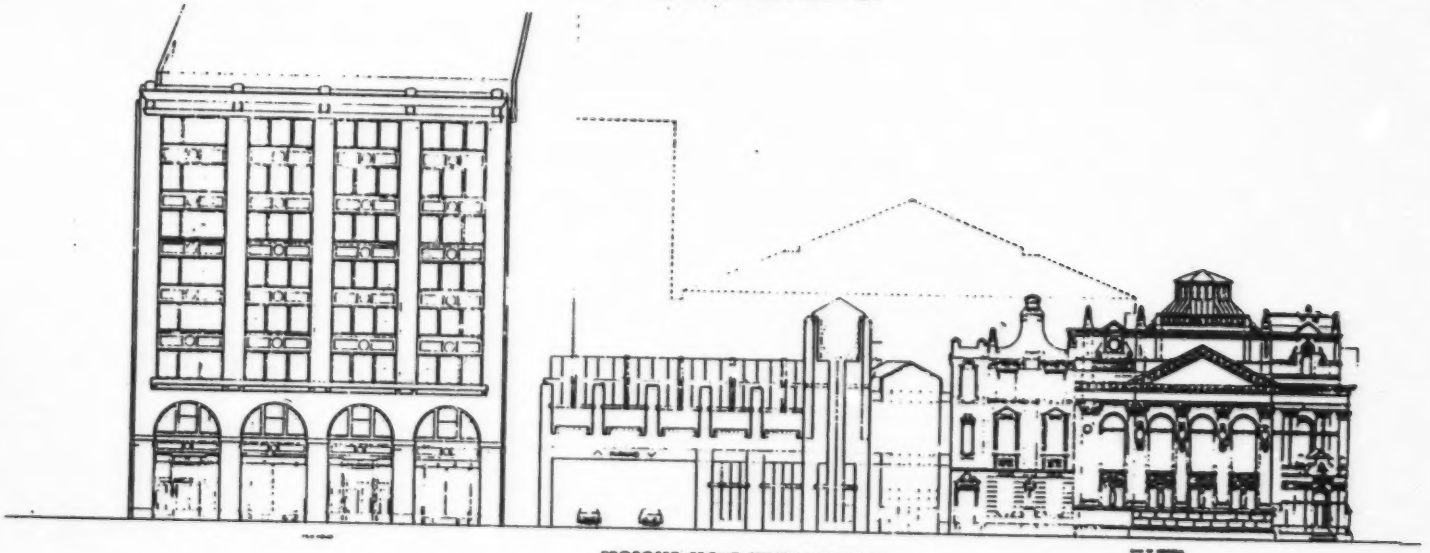
REDUCED DRAWING

CENTRAL CORE AND WATERFRONT PLANNING DIVISION

DECEMBER, 1987



EXISTING FRONT STREET ELEVATION



PROPOSED FRONT STREET ELEVATION

HISTORICAL ELEVATION-C (FRONT)

APPLICANT'S DRAWING

APPLICATION NO. 1986

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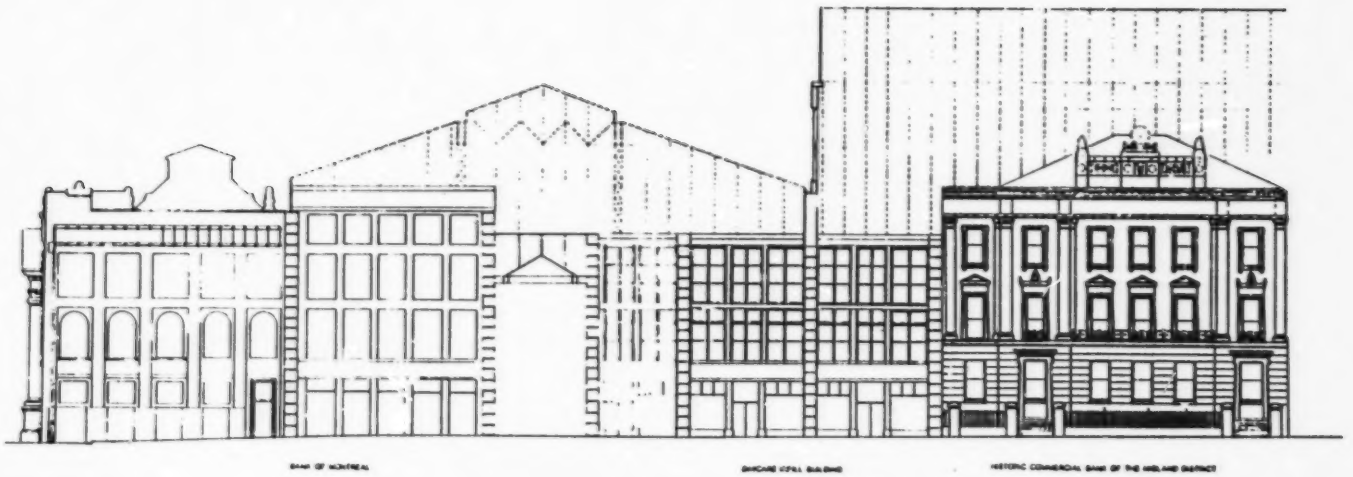
Robert E. Millward, Commissioner

REDUCED DRAWING

CENTRAL CORE AND WATERFRONT PLANNING DIVISION

DECEMBER, 1987



HERTIAGE SQUARE-E (SOUTH ELEVATION)

APPLICANT'S DRAWING

APPLICATION NO. 1986

CITY OF TORONTO PLANNING AND DEVELOPMENT DEPARTMENT
Robert E. Millward, Commissioner — REDUCED DRAWING

CENTRAL CORE AND WATERFRONT PLANNING DIVISION — DECEMBER, 1987

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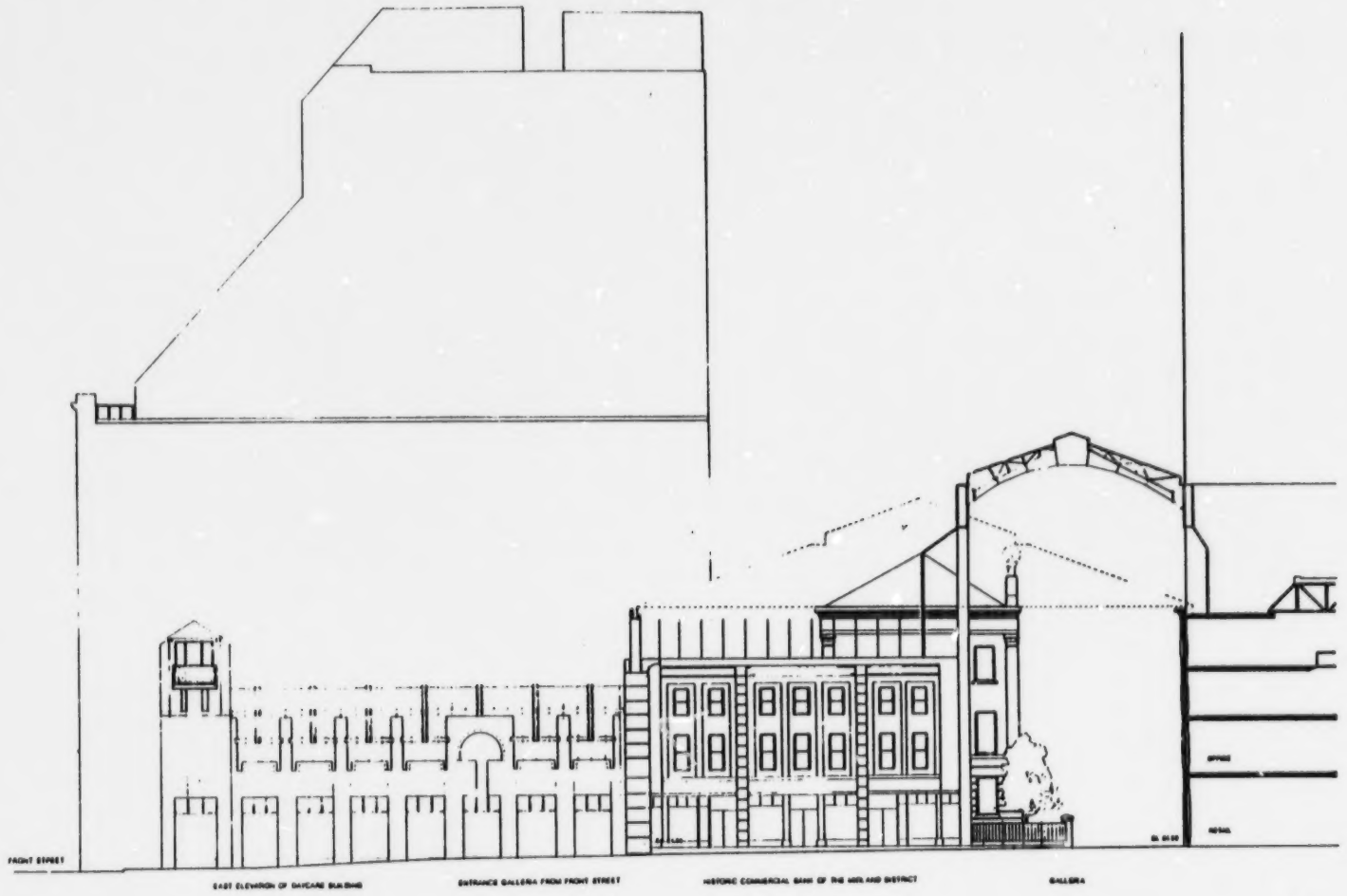
FRONT STREET
EAST ELEVATION OF DAYCARE BUILDING
ENTRANCE GALLERIA FROM FRONT STREET
HISTORIC COMMERCIAL BANK OF THE MIDLAND DISTRICT
GALLERIA

HERITAGE SQUARE-G (WEST ELEVATION)

APPLICANT'S DRAWING

APPLICATION NO. **1986**

CITY OF TORONTO PLANNING AND DEVELOPMENT DEPARTMENT
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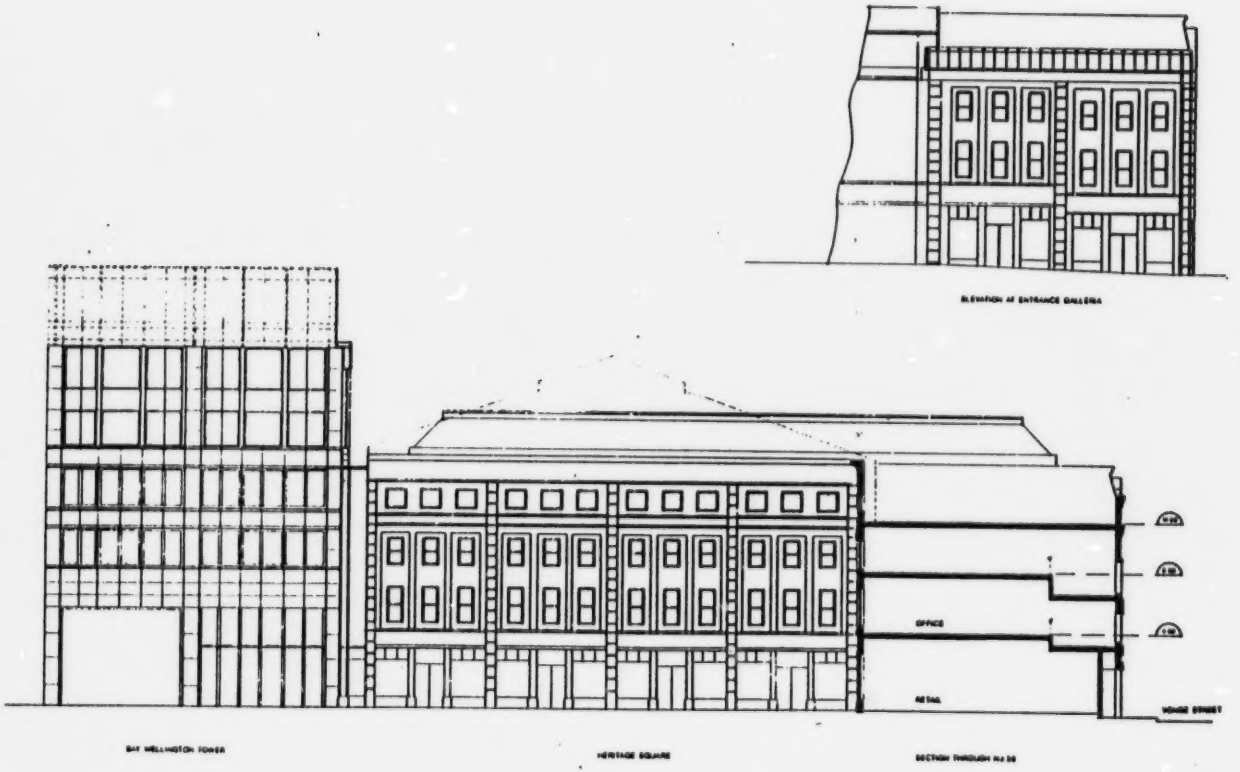
REDUCED DRAWING

CENTRAL CORE AND WATERFRONT PLANNING DIVISION

DECEMBER, 1987



HERITAGE SQUARE-D (NORTH ELEVATION)

APPLICANT'S DRAWING

APPLICATION NO. 1986

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Robert E. Millward, Commissioner

REDUCED DRAWING

CENTRAL CORE AND WATERFRONT PLANNING DIVISION

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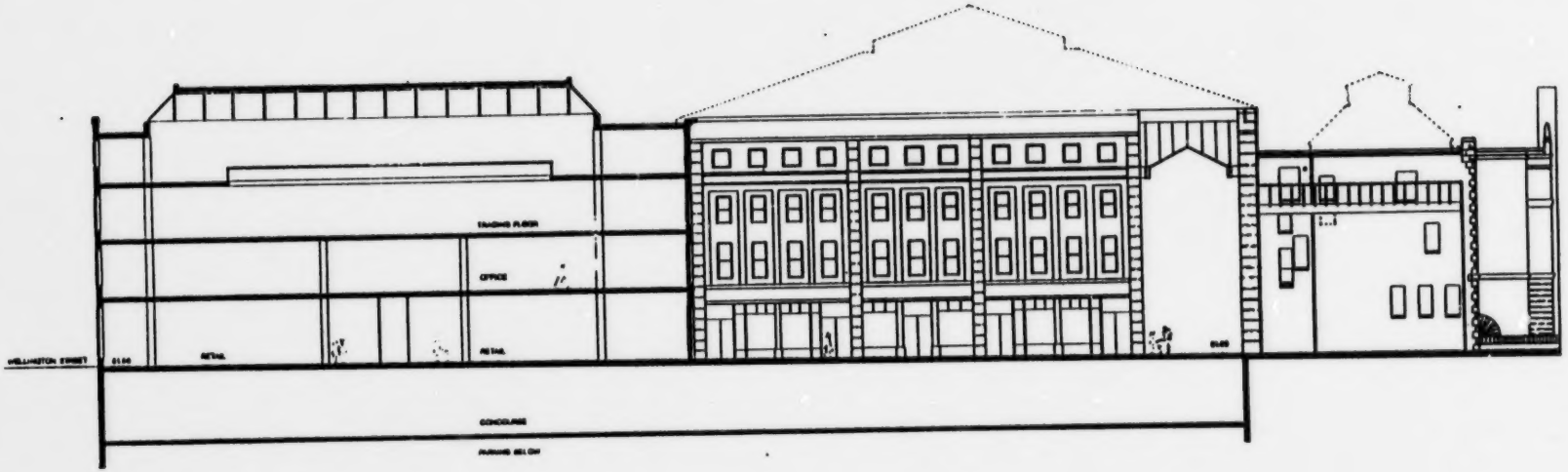

HERTIAGE SQUARE-F (EAST ELEVATION)

APPLICANT'S DRAWING

APPLICATION NO. 1986

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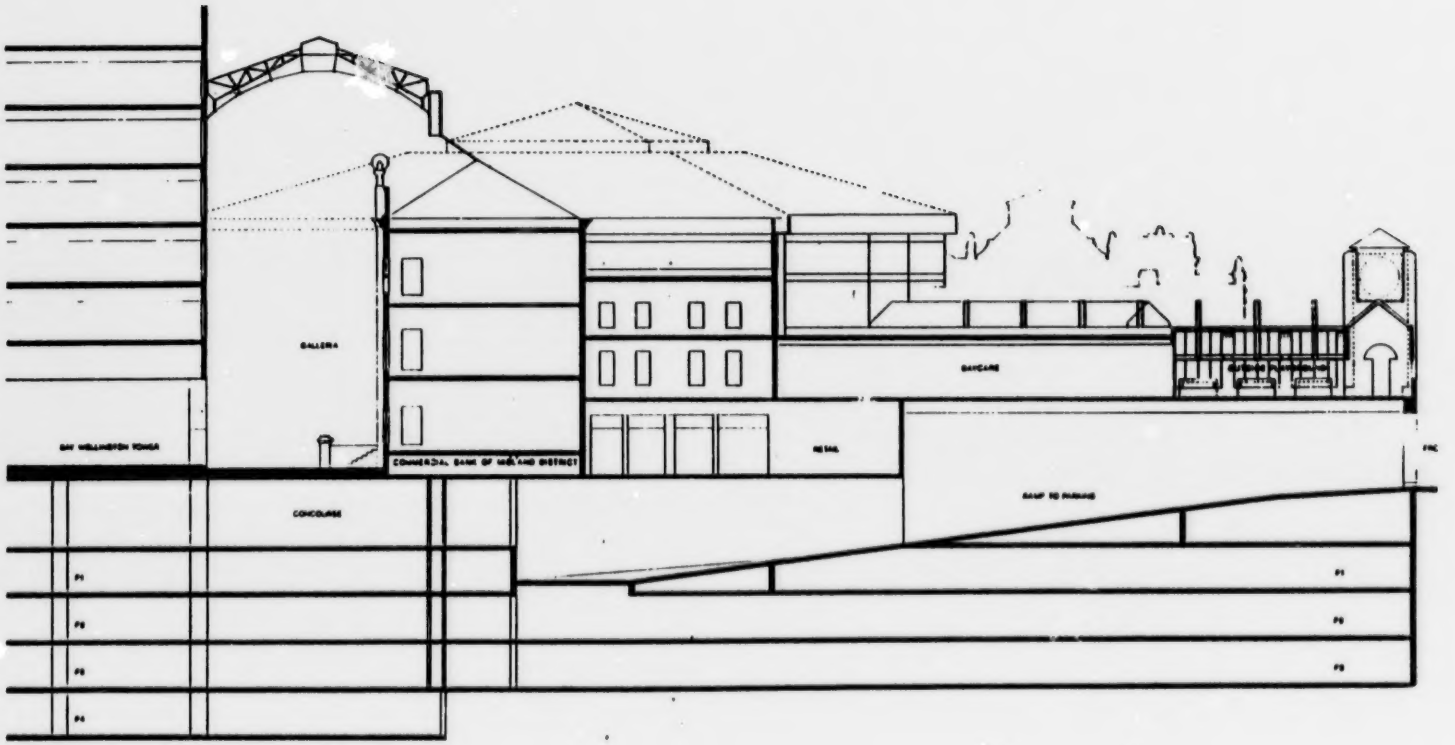
Robert E. Millward, Commissioner

REDUCED DRAWING

CENTRAL CORE AND WATERFRONT PLANNING DIVISION

DECEMBER, 1987



DAYCARE BUILDING
NORTH-SOUTH SECTION

APPLICANT'S DRAWING

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Robert E. Millward, Commissioner

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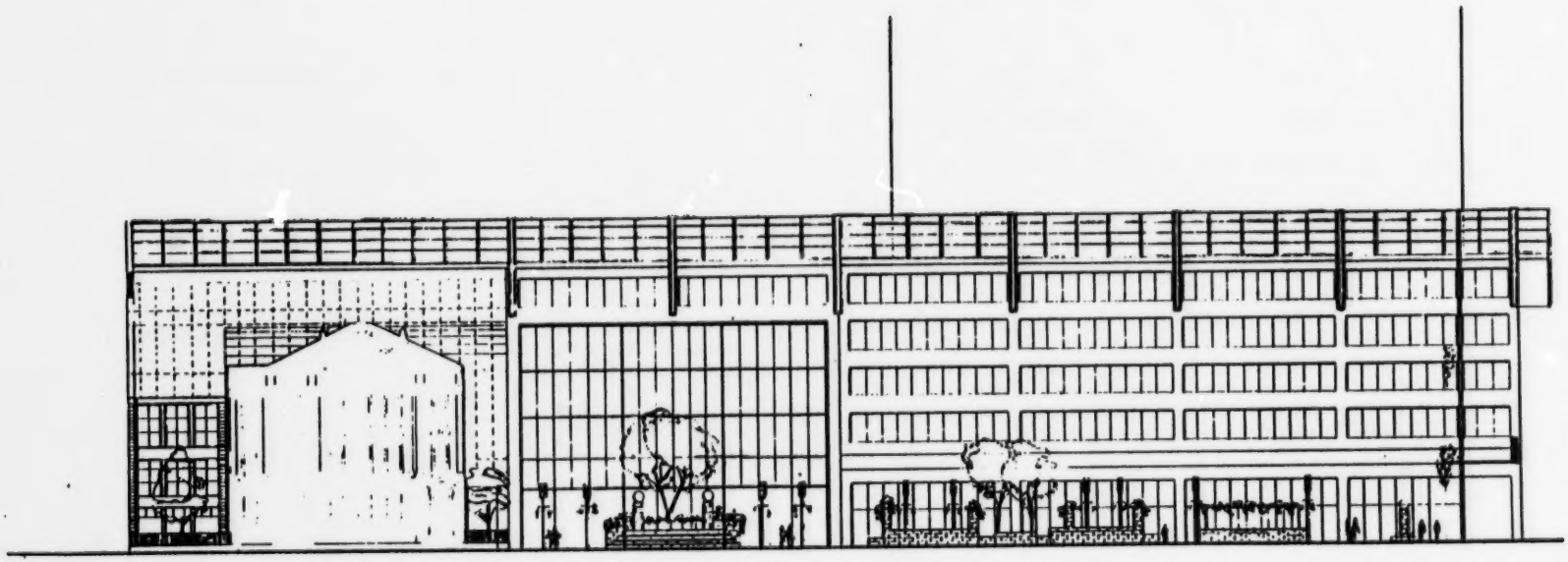

GALLERIA ELEVATION

APPLICANT'S DRAWING

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Robert E. Millward, Commissioner

REDUCED DRAWING

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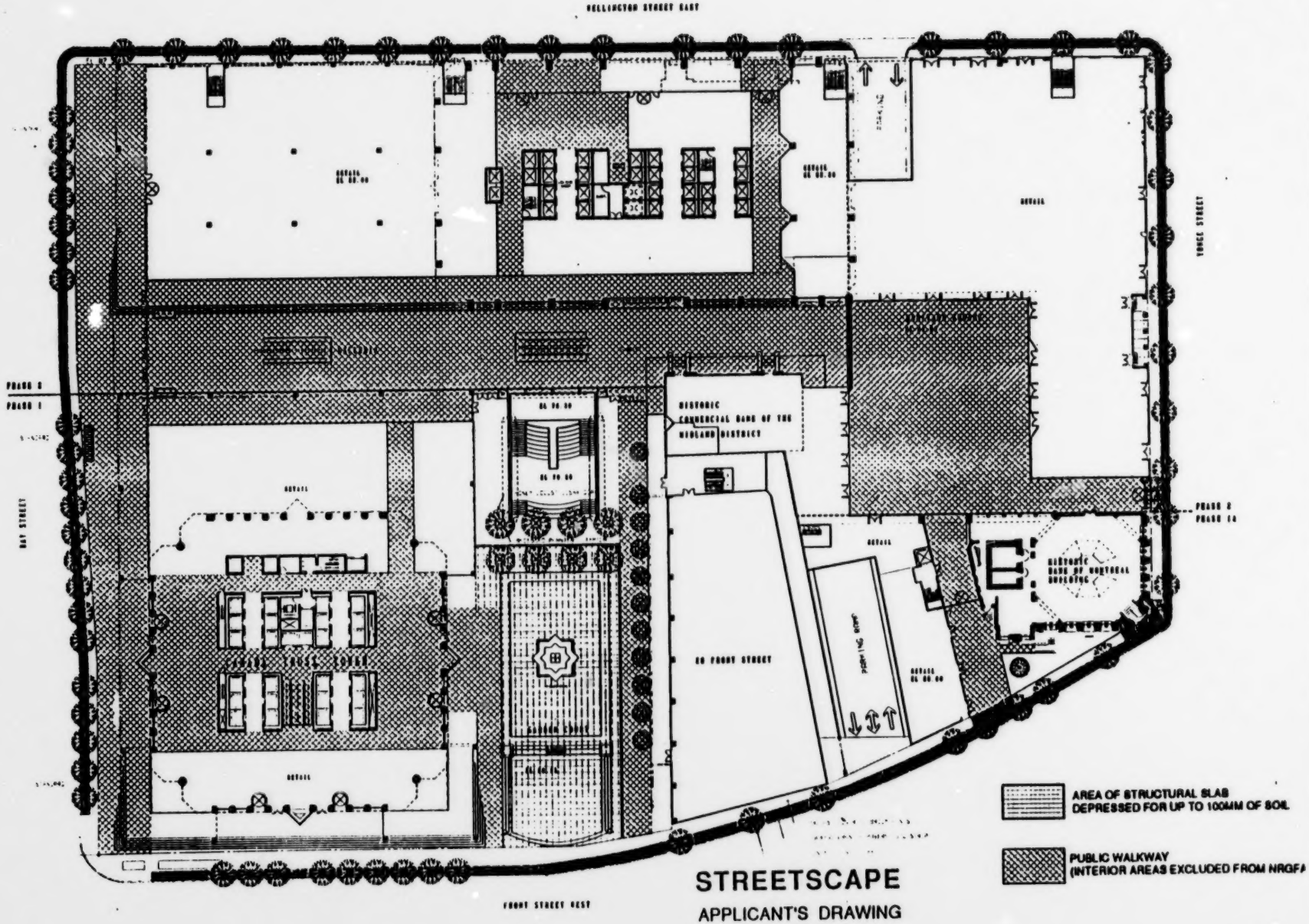
DECEMBER, 1987



STREETSCAPE

APPLICANT'S DRAWING

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CITY OF TORONTO PLANNING AND DEVELOPMENT DEPARTMENT
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REDUCED DRAWING

CENTRAL CORE AND WATERFRONT PLANNING DIVISION

DECEMBER, 1987